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SENATE

{ REPORT  
107-156

MAKING SUPPLEMENTAL APPROPRIATIONS FOR FURTHER RECOVERY  
FROM AND RESPONSE TO TERRORIST ATTACKS ON THE UNITED STATES  
FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2002, AND FOR OTHER  
PURPOSES

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Mr. BYRD, from the Committee on Appropriations,  
submitted the following

### REPORT

[To accompany S. 2551]

The Committee on Appropriations reports the bill (S. 2551) making supplemental appropriations for further recovery from and response to terrorist attacks on the United States for the fiscal year ending September 30, 2002, and for other purposes, reports favorably thereon and recommends that the bill do pass.

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#### SUPPLEMENTAL REQUEST JUSTIFICATION INFORMATION

The Committee is concerned about the quality and timing of the budget justification materials sent to Congress in support of the Administration's supplemental appropriations request.

The Administration sent to Congress its fiscal year 2002 supplemental request on March 21, 2002, 6½ weeks after the President submitted his fiscal year 2003 Budget. Because of this delay, the Committee was delayed in its consideration of the Administration's proposals. The ability of the Committee to perform a thorough and independent review of the proposals was also impeded by the fact that justification materials for some agencies were further delayed, inadequate, or both.

The Committee is particularly concerned with the information it received from the Transportation Security Administration (TSA) regarding the request for \$4,400,000,000. A full month went by between the time the Administration submitted its supplemental request and the time that it was prepared to discuss the details of how the funding would be used. Although the Department of Transportation has provided supporting detail since that time, breakdowns of the request and underlying assumptions continue to change. In addition, the Committee has received no justification supporting TSA's fiscal year 2003 request of \$4,800,000,000, despite assurances from the Secretary of Transportation and his senior staff that such materials are forthcoming. The Administration should not expect the Committee to recommend large expenditures of public funds without proper justification—even for critical activities. While the Committee appreciates the challenges of estimating costs to establish a new agency, the time to complete those assessments is before funds are requested, not after.

The Committee is likewise concerned with the significant lack of information accompanying the request for \$327,000,000 for the First Responders program requested through the Federal Emergency Management Agency (FEMA). The request is a precursor to the \$3,500,000,000 requested for the First Responder Initiative in the fiscal year 2003 submission, yet the Administration is still unable to provide detailed information which explains how funding will be allocated among States, local governments and first responders. The lack of information over funding allocations will delay assistance to first responders unnecessarily. While the Committee has supported first responders through the Department of Justice and FEMA, the Administration has yet to justify the merger of existing programs into a new block grant program.

The Committee expects that the Administration, and particularly OMB, will take seriously the need to provide Congress with timely and meaningful materials in support of its budget requests. The apparent disregard of the need to adequately inform Congress must cease. The Committee has a right and a Constitutional duty to

fully review any and all Administration budget requests, and it is committed to faithfully exercising this responsibility on behalf of the American taxpayer.

The Committee further notes that the House and Senate Appropriations Committees decided to delegate an extraordinary authority to the Executive Branch in Public Law 107-38, the 2001 Emergency Supplemental Appropriations Act for Recovery from and Response to Terrorist Attacks on the United States. In that legislation, which the Congress passed just 3 days after the terrorist attacks of September 11, 2001, the Congress chose to allow the Executive Branch to allocate \$10,000,000,000 to Federal agencies for immediate needs in response to that crisis, after consulting with the Congress, and another \$10,000,000,000 subject to notifying Congress and waiting 15 days. This was an extraordinary granting of authority to the Executive Branch in response to extraordinary events.

During the consultation process, the Office of Management and Budget and the affected Federal agencies provided the House and Senate Appropriations Committees with extremely limited budget justification materials. Given the time sensitivity of the funds for the Department of Defense, the Federal Emergency Management Agency, the Federal Bureau of Investigation and other agencies, these justifications were approved. Eight months after September 11, the Administration continues to provide the Congress with justification materials that are incomplete, incorrect, poorly conceived and often late.

The Administration is now asking Congress to consider long-term solutions to the attacks of September 11. It is asking the Appropriations Committees to establish new programs that are not specifically authorized and for which authorization legislation has not been submitted to Congress. It is asking the Appropriations Committees to fund new agencies with thousands of new employees without detailed staffing plans. It is proposing to terminate existing programs. Yet, the budget justification materials in support of these proposals have not been complete. The Committee urges the Administration to expedite the completion of detailed justification materials.

# TITLE I—SUPPLEMENTAL APPROPRIATIONS

## CHAPTER 1

### SUBCOMMITTEE ON AGRICULTURE, RURAL DEVELOPMENT, AND RELATED AGENCIES

#### DEPARTMENT OF AGRICULTURE

##### OFFICE OF THE SECRETARY

###### (INCLUDING TRANSFERS OF FUNDS)

2002 appropriation to date .....	\$83,892,000
2002 supplemental estimate .....	
Committee recommendation .....	18,000,000

The Committee recommends \$18,000,000 to the Office of the Secretary for enhanced activities related to homeland security for facility related upgrades. The Committee is greatly concerned by findings published in a March 2002, audit report of the USDA Inspector General relating to laboratory security, and directs the Secretary to correct problems cited in that report, including the establishment of a consolidated database of biological agents located at field laboratories across the country. The Committee is aware the Department has not allocated the full amount transferred from the emergency response fund as provided by Division B of the fiscal year 2002 Defense Appropriations Act, and directs that \$10,400,000 held in contingency funds by the Secretary and the Agricultural Research Service, in addition to funds made available under this heading be used for this purpose. The Committee provides for the transfer of these funds to agencies to meet one-time costs associated with security upgrades at these locations. In addition, the Committee directs the Secretary to notify the Committee within 30 days of enactment of plans to allocate and obligate these funds, and funds transferred from the emergency response fund and to provide quarterly reports on their use through fiscal year 2003. The entire amount appropriated has been designated as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

The Committee expects the Department to properly coordinate and share import-related information with relevant USDA agencies, the Food and Drug Administration, the U.S. Customs Service, and others as determined by the Secretary. The Committee further directs the Secretary to report to the Committee on Appropriations of the House and Senate, no later than December 31, 2002, on interagency coordination and additional agency needs, including information technology systems required by the Food Safety and Inspection Service, and other agencies, to properly coordinate import related activities.

The Committee is aware that funds provided under this heading in Public Law 107–20 were used to establish the position of District Veterinary Medical Officers within each of the 17 Districts of the Food Safety and Inspection Service. These Officers, which the Committee expects to remain as permanent positions, are to assure compliance with the Methods of Humane Slaughter Act in slaughter establishments. The Committee expects these Officers to record violations of this Act and for the agency to increase enforcement activities at establishments which demonstrate a recurrence of such violations. In addition, funds were provided in Public Law 107–20 to increase inspection and enforcement activities of the Animal and Plant Health Inspection Service related to the Animal Welfare Act. The Committee is aware that these funds are being used, in part, to establish a Dog Dealers Task Force to review activities of Class B Dealers who supply dogs for research and individuals engaged in providing puppies to the pet trade. In recent years, violations of the Animal Welfare Act by Class B Dealers have included the stealing of peoples’ pets which were, in turn, sold for laboratory experiments. In addition, violations at puppy breeding establishments have included the caging of dogs in extremely inhumane conditions. The Committee supports the purpose of this Task Force and urges it to pursue a nation-wide scope of activities to ensure that Class B Dealers and others involved in the breeding and sale of animals are in compliance with appropriate animal welfare regulations. The Committee expects a report on the activities of this Task Force by September 1, 2002.

#### AGRICULTURAL RESEARCH SERVICE

##### SALARIES AND EXPENSES

2002 appropriation to date .....	\$1,019,464,000
2002 supplemental estimate .....	
Committee recommendation .....	16,000,000

The Committee recommends \$16,000,000 to the Agricultural Research Service for enhanced activities related to homeland security to address vulnerabilities to this country’s production agriculture sector in areas and at levels identified by the Department of Agriculture. Of these funds, \$4,500,000 is for research related to animal pathogens; \$500,000 is for research related to plant pathogens; \$2,000,000 is for research related to spongiform transmissible encephalopathy, including chronic wasting disease; \$2,500,000 is for vaccine trials related to foot and mouth disease; \$3,000,000 is for plant genome sequencing to enhance resistance to disease; \$3,000,000 is for cattle genome sequencing to enhance resistance to disease; and \$500,000 is for research related to exotic Newcastle disease.

The Committee is disturbed by proposals submitted in the President’s budget request for fiscal year 2003 that would eliminate a number of critical agricultural research projects that have been established through congressional directives over the past 2 years. The only apparent rationale for these reductions by this and previous Administrations is an attitude that research priorities of the Congress have no merit on their face and seem not worthy of, at least, a thoughtful analysis by the Executive Branch in terms of

budgetary and subject-matter priorities. In addition, the President is proposing to terminate a number of important Federal research locations, including locations at which honey bee research is conducted. The accidental introduction of varroa and tracheal mites in the United States during the mid-1980's has reduced the once-thriving populations of feral honey bees by more than 80 percent. These bees are necessary for the continued pollination of crops and wild plants. The Committee finds the proposed elimination of honey bee research at three Federal locations, in spite of serious reductions in bee populations and consequences related to pollination, which might adversely affect the world's food supply, extremely short-sighted and based on an unfortunate, and mistaken, assumption by the Executive Branch that all meaningful research must originate with it. The Committee directs the Secretary to take no action which would reduce research activities proposed for elimination in advance of congressional direction in that regard.

#### BUILDINGS AND FACILITIES

2002 appropriation to date .....	\$191,987,000
2002 supplemental estimate .....	
Committee recommendation .....	50,000,000

The Committee recommends \$50,000,000 to the Agricultural Research Service for buildings and facilities construction of the National Animal Disease Laboratory at Ames, Iowa. In a May 25, 2001, correspondence to this Committee, the Secretary of Agriculture noted that “. . . there is an urgent need to renovate and modernize the existing facilities [at Ames, Iowa]. Grossly debilitated and inadequate for animal health programs of high national priority, these facilities must be modernized.” Since the events of September 11th, and in view of the fact that the primary mission of this facility is research on highly infectious animal diseases such as bovine spongiform encephalopathy (Mad Cow Disease) and others, which terrorists might use with devastating results to the U.S. economy, the needs outlined by the Secretary have become even more pronounced.

#### COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE

##### EXTENSION ACTIVITIES

2002 appropriation to date .....	\$439,473,000
2002 supplemental estimate .....	
Committee recommendation .....	16,000,000

The Committee recommends \$16,000,000 to the Cooperative State Research, Education, and Extension Service for enhanced extension activities related to homeland security in rural areas. These funds are to be used for expansion and coordination of the Extension Disaster Education Network, consistent with directives from the Office of the President, to serve as a national program of first response in rural areas including components of awareness, risk assessment, mitigation, and recovery. The Committee expects the Secretary to notify the Committee within 30 days of enactment of plans to allocate and obligate these funds. The entire amount appropriated has been designated as an emergency requirement pur-

suant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

#### ANIMAL AND PLANT HEALTH INSPECTION SERVICE

##### SALARIES AND EXPENSES

2002 appropriation to date .....	\$725,490,000
2002 supplemental estimate .....	
Committee recommendation .....	60,000,000

The Committee recommends \$60,000,000 for the Animal and Plant Health Inspection Service to enhance activities related to homeland security to protect against bioterrorism threats to plant and animal production. The Committee is aware the agency has not allocated the full amount transferred from the emergency response fund as provided by Division B of the fiscal year 2002 Defense Appropriations Act, and directs that \$9,700,000 held in contingency funds, in addition to funds made available under this heading, be used for this purpose. Of these funds, \$19,022,000 is to be used for animal health surveillance, monitoring, and management, including activities relating to transmissible spongiform encephalopathy such as chronic wasting disease; \$21,550,000 is to be used for pest detection activities; \$15,000,000 is to be used for emergency preparedness; \$9,128,000 is to be used for physical and operational security; and \$5,000,000 is to be used for additional equipment needs and smuggling interdiction. The Committee expects the Secretary to notify the Committee within 30 days of enactment of plans to allocate and obligate these funds. The entire amount appropriated has been designated as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

The Committee is concerned by the growing incidence of chronic wasting disease, including reported cases east of the Mississippi River, and the potential risk it poses to both wild and domesticated animal populations. The Committee notes there is no evidence that this disease is transmissible to non-cervid animals, such as cattle, swine, and other livestock species, but the possibility has not been disproved. The Animal and Plant Health Inspection Service is directed to use existing funds to provide assistance to States for containment of this disease taking into consideration the potential risk to captive species, including those for which science has not established that disease transmission will not occur. Such assistance (including funds of the Commodity Credit Corporation) should include diagnostic testing, field operations, and such support as deemed necessary and proper, including improvement of State capabilities to respond to this disease.

#### FOOD SAFETY AND INSPECTION SERVICE

2002 appropriation to date .....	\$730,642,000
2002 supplemental estimate .....	
Committee recommendation .....	15,000,000

The Committee recommends \$15,000,000 to the Food Safety and Inspection Service for enhanced international oversight activities related to meat and poultry product imports, through fiscal year 2003. The Committee is aware the agency has not allocated the full



amount transferred from the emergency response fund as provided by Division B of the fiscal year 2002 Defense Appropriations Act, and directs that \$2,570,000 held in contingency funds be used to meet ongoing requirements related to physical security, education and training, technical assistance, and expanded laboratory capabilities. The Committee expects the Secretary to notify the Committee within 30 days of enactment of plans to allocate and obligate these funds. The entire amount appropriated has been designated as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OFFICE OF THE UNDER SECRETARY FOR FARM AND FOREIGN  
AGRICULTURAL SERVICES

The Committee is concerned by conclusions of the Administration's Food Aid Review that all USDA food aid activities should be limited to Government-to-Government assistance for Food for Progress and Section 416 programs, that arbitrary limitations should be placed on monetization under Title II of Public Law 480, and that the Commodity Credit Corporation purchases of surplus commodities should end. The Committee expects these limitations not to apply to Public Law 480 Title II nor to USDA participation in these programs in order to assure more effective program management and to provide for proper response to emergency conditions.

NATURAL RESOURCES CONSERVATION SERVICE  
WATERSHED REHABILITATION PROGRAM

The Committee does not recommend cancellation of \$9,000,000 for the Watershed Rehabilitation Program as proposed by the President.

WATERSHED AND FLOOD PREVENTION OPERATIONS

2002 appropriation to date .....	
2002 supplemental estimate .....	
Committee recommendation .....	\$100,000,000

The Committee recommends \$100,000,000 for recovery operations of the Emergency Watershed Protection Program for all identified needs relating to storms, floods, fires, and other natural disasters. Of this amount, \$73,000,000 is provided absent an emergency designation pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, and the Committee directs that these funds be used for recovery activities related to disasters occurring during fiscal year 2002, up to and including flooding in Illinois, Kentucky, Michigan, Virginia, and West Virginia in May of this year, that have been identified as of May 22, 2002.

RURAL COMMUNITY ADVANCEMENT PROGRAM

2002 appropriation to date .....	\$806,557,000
2002 supplemental estimate .....	
Committee recommendation .....	25,000,000

The Committee recommends \$25,000,000 to the Rural Community Advancement Program for activities related to homeland security and protection of rural water supply. Of this amount, up to \$5,000,000 shall be used to contract with qualified organization to conduct a national vulnerability assessment of rural community water systems, including related technical assistance and providing a report to the Committee by December 31, 2002. The remaining funds shall be used to provide grants for upgrading security of rural water systems with priority given to current borrowers in the Rural Utilities Service. The Committee expects the Secretary to consider adequate security measures in all future obligations of water loans and grants. The Committee also expects the Secretary to notify the Committee within 30 days of enactment of plans to allocate and obligate these funds and to provide further information upon completion of the vulnerability assessments. The entire amount appropriated has been designated as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

#### RURAL UTILITIES SERVICE

##### LOCAL TELEVISION LOAN GUARANTEE PROGRAM ACCOUNT

###### (INCLUDING RESCISSION)

The Committee recommends bill language making \$20,000,000 under this heading available until expended.

#### FOOD AND NUTRITION SERVICE

##### SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

2002 appropriation to date .....	\$4,387,000,000
2002 supplemental estimate .....	75,000,000
Committee recommendation .....	75,000,000

The Committee recommends \$75,000,000 for the Women, Infants, and Children Program (WIC). These funds are to supplement program funding due to rising caseload requirements, and the Committee expects these funds to be made available to the States within 15 days of enactment. The President proposed \$75,000,000 for this purpose.

#### FOOD STAMP PROGRAM

##### (RESCISSION)

The Committee rescinds \$33,000,000 of funds made available in prior years for the Food Stamp Employment and Training program.

#### COMMODITY ASSISTANCE PROGRAM

The Committee is concerned that several States which received funding for the Senior Farmers' Market Nutrition Program in fiscal year 2001 have been denied funding in fiscal year 2002. The Committee reminds the Secretary of congressional directives to use funds of the Commodity Credit Corporation to supplement appropriated funds for this program and expects that any additional

funding made available in fiscal year 2002 be awarded to ensure that all States that participated in the program in fiscal year 2001, and have submitted an application for the program for fiscal year 2002, will receive funding for the current year. The Secretary is directed to allocate all additional funds within 30 days of the date upon which such funds may become available.

#### GENERAL PROVISIONS, THIS CHAPTER

The Committee recommends bill language to provide assistance to water users along the Rio Grande River, in part, to compensate for unmet obligations pursuant to the Treaty Relating to the Utilization of Waters of the Colorado and Tijuana Rivers of the Rio Grande, and Supplementary Protocol.

#### CHAPTER 2

##### SUBCOMMITTEE ON COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES

##### DEPARTMENT OF JUSTICE

##### HOMELAND SECURITY

##### CRITICAL INFRASTRUCTURE PROTECTION

Terrorist Organizations continue to improve their capabilities to use computer systems and networks, including the Internet, for command, control, intelligence gathering, and communications purposes, as well as for actual weapons.

The Internet represents a cheap, anonymous, ubiquitous transmission medium which, in direct contrast to a telephone call, can reach many, many individuals at once. Terrorist groups are increasingly using these new forums to formulate plans, raise funds, spread propaganda, and engage in secure communications. In his statement on the worldwide threat in 2000, CIA Director George Tenet testified that terrorist groups, “[i]ncluding Hizballah, Hamas, the Abu Nidal organization, and Bin Laden’s Al-Qaeda organization are using computerized files, e-mail, and encryption to support their operations.” In one example, convicted terrorist Ramzi Yousef stored detailed plans to destroy U.S. airliners on encrypted files on his laptop computer.

Perhaps even more troublesome is the growing movement of terrorist organizations toward targeting and attacking the Internet and the computers it connects. Cyber terrorism—which means the use of cyber tools to shut down critical national infrastructures for the purpose of coercing or intimidating a government of civilian population—is clearly an emerging threat. Our society has come to rely upon computer systems for our daily lives, such as life supporting utilities, transportation systems, and financial systems. Evidence clearly indicates that major terror groups are now training their members in the methods of attacking computer systems like those above and are gathering the tools and knowledge to do so.

The Committee recommendation therefore includes an additional \$104,400,000 to combat cyber terrorism. Of that amount,

\$55,700,000 shall be for the Department of Justice and \$48,700,000 shall be for the Department of Commerce. The details of these initiatives are discussed in detail below.

#### SYSTEMS INTEROPERABILITY

Successful and effectual law enforcement at the Federal, State, and local levels is dependent upon efficient communication and data sharing. The need for interoperable communications and data systems became clear on September 11, 2001, when police, fire, and EMS personnel from multiple jurisdictions were called to respond to the World Trade Center and Pentagon attacks in New York and Virginia. First responders, attempting to act expeditiously to save lives, found themselves unable to communicate with other emergency personnel because of the use of different communications systems and radio frequencies.

Law enforcement at all levels is also hampered by its inability to share information via different computer and communication systems. The Immigration and Naturalization Service and the Federal Bureau of Investigation are among the many Federal agencies that have an array of systems containing data that is not available to users in a comprehensive, reliable and secure fashion. Bringing together data to a user at a single point of access and in a single session will result in better information to support the mission of these agencies. The process to accomplish that is complex, and necessitates infrastructure investments.

This bill includes \$5,000,000 for the planning and design of an interoperable law enforcement and intelligence electronic data system ("Chimera system") for the Immigration and Naturalization Service, \$80,000,000 for the COPS Office to provide grants to State and local agencies to fund interoperable communications systems and \$5,000,000 for the National Institute of Standards and Technology to establish standards for interoperable equipment used by State and local agencies.

#### PREPAREDNESS

The events of September 11, 2001 have required the United States to significantly expedite the process that was underway before the terrorist attacks, of crafting our future leadership to counter the threat of terrorism. Responsibility for developing our national security policy belongs to the President. However, it is the responsibility of the Congress to provide the means to implement that policy. Whoever is responsible for managing this Nation's activities to combat terrorism must be accountable to the American people. Congress and the Executive Branch must together develop a systematic and synchronized strategy that will achieve sustainable Federal, State, and local cooperation on domestic terrorism issues.

Ensuring that State and local jurisdictions have the ability to detect, prevent, and respond to a terrorist attack should be this Nation's first priority in the war on terror. The Committee recommendation continues to reflect that our State and local first responders are our first priority. First responders are the first to arrive on scene when a terrorist attack occurs and must be prepared to perform crisis and consequence management roles at least as

well as their Federal counterparts. Recognizing this, the Committees on Appropriations in 1997 directed the Attorney General to formulate and implement a 5-year interagency counterterrorism plan, which was meant to serve as the baseline for an eventual National strategy.

In 1998, the Department of Justice with the support of the Committee created the National Domestic Preparedness Office (NDPO) within the FBI. This office was intended to serve as the single point of contact within the Federal Government for State and local first responders. The Department at the time did not take this initiative seriously, and refused to transfer funds or authorize adequate numbers of detailees to NDPO, or to fill positions on NDPO's State and Local Advisory Group (SLAG).

Due to the Department's ambivalence toward NDPO, the Committee instead focused resources on the Office of State and Local Domestic Preparedness (OSLDPS) within the Department's Office of Justice Programs (OJP). The role of the OSLDPS, now known as the Office of Domestic Preparedness (ODP), has necessarily expanded over the last 5 years to include stewardship of domestic preparedness equipment grants, the training consortium, and the national exercise program.

Through ODP, the Committees on Appropriations have appropriated nearly \$1,100,000,000 since fiscal year 1998 for State and local jurisdictions, with a special emphasis on major metropolitan areas. Funding for State and local preparedness has increased from \$5,000,000 in fiscal year 1997 to \$603,000,000 in fiscal year 2002. Since 1997, more than \$410,000,000 in equipment grants has been provided for the States.

In order to ensure that these funds are used effectively, the Committees on Appropriations in 1999 required States to develop a State-wide terrorism response strategy prior to receiving equipment grants. With the encouragement of the Attorney General, 48 of these Statewide Strategies have been submitted and approved by ODP. Recognizing the importance of establishing equipment standards for the safety of our first responders, the Committee has set aside approximately \$33,000,000 since 2001 specifically for this purpose.

Recognizing the need to substantially increase the number of law enforcement officials, firefighters, and emergency medical personnel trained to respond to a weapons of mass destruction (WMD) event, the Committees on Appropriations in 1999 created the National Domestic Preparedness Consortium (NDPC) under ODP. NDPC's mission is to develop, test, and deliver training to State and local emergency responders. Each of the current training centers brings a different expertise to the program. Approximately 8,000 first responders were trained through the NDPC last year alone. Prior to September 11, 2001, ODP had trained 8,000 New York first responders. Since September 11, ODP has trained an additional 11,000 New York City first responders.

In fiscal year 2000, the Committees on Appropriations created and funded the Prepositioned Equipment Program, in which critical equipment is placed in strategic locations throughout the United States to maximize coverage. The equipment "pods" are housed at secure locations and are available for use by commu-

nities should they have need. First responders are trained through the NDPC in the use of these equipment pods. The response time for the arrival of the pod to any locality within a 250-mile radius is 3 to 5 hours.

Under the direction of the Committee, ODP has developed an aggressive exercise program, having conducted an estimated 50 regional and local exercises nationwide between December 2000 and September 2001. In 1998, the Committee directed ODP to conduct the largest counterterrorism exercise in United States history. It was a no-notice exercise, occurring at three simultaneous locales and involving three different types of weapons of mass destruction: biological, chemical, and radiological. The Committee named the exercise TOPOFF to signify the participation in a live exercise of the government's top officials for the first time in history.

The Committee has long supported increased capacity for research and development (R&D) aimed at combating terrorism. The focal point for terrorism-related R&D is the National Institute of Justice (NIJ) under OJP. Since 1998, NIJ has directed approximately \$150,000,000 specifically towards terrorism-related research and development. This funding is in addition to the considerable funding provided for the research, development, testing, and evaluation of law enforcement technologies that are also used to fight terrorism.

The Committee recommendation demonstrates its continued commitment to the Office of Domestic Preparedness. The Committee will continue to support this Office as it has in the past. The Committee does not support the proposal to transfer this Office's responsibilities to a new untested office. The transfer of the Office of Domestic Preparedness' programs would create unacceptable vulnerabilities at a time of unprecedented threat to our National security. The Committee continues to support the Federal Emergency Management Agency's role in responding to natural disasters and in consequence management for acts of terrorism. Grants for terrorism preparedness should continue to be managed by ODP. As the Attorney General has said, "Preparedness is our first priority".

#### GENERAL ADMINISTRATION

##### SALARIES AND EXPENSES

2002 appropriation to date .....	\$97,668,000
2002 supplemental estimate .....	5,750,000
Committee recommendation .....	186,550,000

The recommendation includes \$186,550,000 for Salaries and Expenses for General Administration. This recommendation is \$180,800,000 above the request.

*Ident/IAFIS.*—Of this amount, \$5,750,000 shall be for the Automated Biometric Identification System/Integrated Automated Fingerprint Identification System (IDENT/IAFIS) integration project within the Department of Justice. These funds will provide for the deployment of IDENT/IAFIS capabilities to 30 additional ports of entry so that the Immigration and Naturalization Service (INS) inspectors may conduct rapid-response criminal background checks of suspect aliens prior to their admission to the United States. This project is intended to support the apprehension and prosecution of

criminal aliens by providing the INS with the capability to determine whether an apprehended person is the subject of a currently posted Want/Warrant or has a record in the FBI's Criminal Master File.

The Committee understands that the actual integration of the IDENT and IAFIS systems may require up to 5 years and may have profound cost implications. JMD is directed to provide the Committees on Appropriations biannual progress reports on the deployment and integration of IDENT/IAFIS capabilities. Those reports should also review the potential relationship between IDENT/IAFIS capabilities and other biometric technology efforts in the Department in order to promote efficiency and avoid duplication.

*Chimera.*—The Committee is aware that the “Enhanced Border Security and Visa Entry Reform Act of 2002” authorized the creation of an “interoperable law enforcement and intelligence data system” for the Immigration and Naturalization Service [INS]. This system, referred to as “Chimera”, is envisioned as a clone of Trilogy, the Federal Bureau of Investigation’s [FBI] computer modernization program. In an effort to not repeat past mistakes, the FBI is directed to make a formal presentation to both the Justice Management Division [JMD] and the Appropriations Committees on lessons learned from Trilogy not later than June 1, 2002.

The Committee recommendation provides \$5,000,000 for the definition of scope and deliverables for the Chimera program. JMD will be responsible for managing Chimera. To the degree prudent, the Chimera program must: (1) leverage commercial-off-the-shelf software, (2) piggyback on past INS, Justice, and Federal Government information technology [IT] investments, and (3) quickly identify and dismantle or migrate legacy systems that have reached the end of useful service life or are of marginal value to the execution of core INS missions. To that end, JMD shall undertake a comprehensive survey of existing INS IT systems to build a definitive baseline of current capabilities and deficiencies. The design of Chimera’s architecture should build directly upon this foundation.

Prior to the next phase of investment in Chimera, JMD shall brief the Committees on Appropriations on: (1) current INS IT systems capabilities and shortcomings, (2) opportunities to leverage technical solutions developed, or lessons learned, by other Federal agencies and private industry, (3) program priorities designed to maximize INS performance as quickly as possible, and (4) a projected schedule, with modular and measurable milestones, and costs, by fiscal year.

*Reorganization.*—Last year, the Committee approved legislation which allowed the Attorney General the time to create an organizational structure within the Department of Justice that would provide for better management of the Department’s efforts to combat terrorism. The Committee recommends the immediate creation of a Principal Associate Deputy Attorney General for Combating Terrorism (PADAG-CT) upon enactment of this Act.

The PADAG-CT shall have as its primary duty the overall coordination and implementation of Department of Justice policy aimed at preventing, preparing for, and responding to terrorist attacks within the United States. This person will be directly responsible to the Attorney General and the Deputy Attorney General. The

PADAG-CT will coordinate Department of Justice efforts with localities across the country, all of the States and territories, and all of the appropriate Federal agencies and departments. Subject to the discretion of the Attorney General and the Deputy Attorney General, the PADAG-CT will speak for the Department of Justice on all matters relating to terrorism.

The National Security Coordination Council (NSCC) proposed by the Department, shall be under the purview of the PADAG-CT. The PADAG-CT will centralize and coordinate policy, resource allocation, operations, and long-term planning of the Department's components regarding counterterrorism, counter-espionage, and other major national security issues; monitor the implementation of Department policy to ensure that components are taking all necessary and appropriate actions to prevent and disrupt the occurrence of terrorist attacks in the United States; and provide an institutionalized Department forum for crisis management;

The PADAG-CT will promote coordination and information sharing within the Department, between the Department and other Federal agencies and interagency bodies, and between the Department and State and local law enforcement authorities, to prevent, prepare for and respond to terrorist attacks within the United States; frame national security issues for resolution by the Deputy Attorney General or the Attorney General; and ensure that positions advanced by the Deputy Attorney General on behalf of the Department at interagency meetings of the National Security Council, the Homeland Security Council, and other interagency forums reflect input from the Department's national security components.

The PADAG-CT duties will include analyzing risk and vulnerability assessments to ensure that funding is justified and targeted to areas of the United States most in need. The PADAG-CT shall aim to provide a minimum standard of protection across the United States and provide the maximum standard of protection in areas where the threat is determined to be high. Also, the PADAG-CT will be responsible for ensuring that critical information is shared with the States and localities, and that first responders have the security clearances necessary to access that information. Finally, the PADAG-CT must develop and implement a long-range plan for the Department that is consistent with the President's forthcoming National Strategy.

The PADAG-CT will be nominated by the President and confirmed by the Senate. It shall be the responsibility of the PADAG-CT to select, appoint, and determine the compensation of personnel to carry out his or her office's responsibilities. The Committee recommends \$2,000,000 for the PADAG-CT to set up this office and to carry out the responsibilities described in this Act.

The Office of Domestic Preparedness (ODP) will immediately be transferred to the PADAG-CT upon enactment of this Act. The ODP will continue to administer equipment grants, and to deliver training, and exercises programs, and generally to manage the Department's preparedness activities. However, the PADAG-CT, through ODP, will be responsible for the programmatic development of these grant programs and will have final approval authority. The Committee also directs that certain other National security



policy entities within the Department of Justice shall report to the PADAG-CT, including the Executive Office of National Security. Finally, funding for terrorism-related research, development, testing, and evaluation (RDT&E) programs within the Department of Justice will pass through the National Institute of Justice (NIJ) with decision making authority by the PADAG-CT as to how these funds will be spent.

The Committee is aware that a number of task forces have been created within the Department to address the issue of terrorism. The Committee directs that the PADAG-CT shall have responsibility for coordinating the work of the Joint Terrorism Task Forces, the Foreign Terrorist Tracking Task Force, and the Anti-Terrorism Task Forces.

*Budget approval.*—The Committee directs the PADAG-CT to develop for each fiscal year a Department-wide budget for combating terrorism. This should be done in consultation with, and with the approval of, the Office of Homeland Security.

In addition, the Committee recommends \$173,800,000 for the Office of Domestic Preparedness (ODP), within the newly created Office of the Principal Associate Deputy Attorney General for Combating Terrorism. The Committee directs that ODP continue to utilize the grants management, financial, and auditing services of the Office of Justice Programs where relevant in the administration of its program.

The Committee directs that the ODP submit a formal reimbursable agreement to the Office of Justice Programs no later than 45 days after the enactment of this Act which outlines the services required of the Office of Justice Programs for the successful administration of this program. Furthermore, the ODP should forward a copy of the reimbursable agreement to the Committees on Appropriations at the time that it is sent to the Office of Justice Programs. A final plan outlining the intended administration of the ODP grant programs should be provided to the Committee no later than 60 days after the enactment of this provision. Within the amounts provided following programs are recommended:

*Security clearances.*—The Committee recommends \$1,300,000 to conduct the required investigations and provide security clearances to State and local first responders. Consideration of these clearances will be determined based on the State's approved Department of Justice 3 year State Domestic Preparedness Strategy and their needs. These funds are provided to ODP but shall pass through to the FBI on a cost reimbursement basis. Each State shall have no more than six people with the appropriate clearances needed to allow real-time dissemination of classified information. The requested amount for turnover is not approved.

*Training.*—The Committee directs ODP to expand the National Domestic Preparedness Consortium (NDPC), which to date has trained over 100,000 first responders, to provide additional training to the Nation's first responder community. Of the funds provided, the Committee recommends that \$48,000,000 be provided to establish four new NDPC training centers. Within this amount, \$12,000,000 is provided to establish each new center.

The Committee is aware of concerns that there are redundancies in the training programs currently being conducted. The Com-

mittee directs ODP to survey all applicable training programs and report to the Committee on what training is taking place and what changes should be made to ensure that all Federal training is coordinated. This report should be provided to the Committees on Appropriations no later than August 31, 2002.

*Homeland Security Workshops.*—The Committee urges the Office of Domestic Preparedness to work with the Office of Homeland Security and other Federal Departments and agencies to create a public/private partnership to promote the implementation of the National Homeland Security strategy by conducting a series of regional Homeland Security workshops including Federal, State, and local governments and the private sector. These workshops would be held in each of the 10 major Federal regions to share information and develop coordinated procedures and best practices among the governments and businesses to ensure safety and security.

*Equipment programs.*—The Committee supports ODP's Prepositioned Equipment (POD) Program which includes sets of pre-positioned equipment designated to be deployed immediately to the scene for use by first responders. The Committee directs ODP to continue to work closely with manufacturers and State and local officials to identify and select the equipment that is included in these pods. This effort should improve existing methods of providing information going to communities regarding what equipment is available. To expedite the planned deployment of the next five caches, \$20,000,000 is recommended for this program.

*Equipment grant program.*—The Committee recommends \$65,000,000 for equipment grants to be administered by ODP. The purpose of this program is to provide funding quickly and easily to enhance the capacity of State and local jurisdictions to respond to and mitigate the consequences of incidents of domestic terrorism. The Committee is aware that, in the past, certain impediments have existed to the timely and effective movement of Federal funding to State and local jurisdictions. The Committee expects that the Department, in cooperation with State and local entities, will refine ODP's grant-making system to expedite and facilitate the delivery of funds and services to State and local jurisdictions, while at the same time ensuring accountability for those funds.

The Committee does not support the concept of requiring State and local jurisdictions to "match" Federal grants provided to them. The Committee believes that such a requirement would create more paperwork than local fire, law enforcement, medical, and emergency management personnel are prepared to handle at a time when their services and vigilance are needed elsewhere. In addition, a significant financial auditing process within ODP would be required to ensure compliance with this matching requirement, the cost of which might well exceed the projected savings to the Federal Government.

*Interagency board (IAB).*—The IAB was established by the Justice Department in 1999 to advise and make recommendations to the Attorney General on matters concerning equipment and standards. ODP has participated in the IAB since its inception. The IAB is comprised of representatives from State and local jurisdictions, relevant Federal agencies, and a variety of public safety disciplines. The Committee directs the IAB to survey all agencies that are un-

dertaking standardization efforts and report to the Committee on what is being done and what changes should be made to make sure that equipment standardization efforts are coordinated. This report should be provided to the Committees on Appropriations no later than October 31, 2002.

*WMD exercises.*—The Committee recommends \$34,000,000 to address the immediate needs of State and local first responders. Prior to September 11, 2001, ODP estimated that more than 2,500 State and local jurisdictions needed to conduct WMD exercises to practice and evaluate their response capabilities. Many States now face serious budget shortfalls and Federal funding is necessary for them to conduct and participate in WMD exercises. Within this amount, \$4,000,000 is recommended to facilitate State and local participation in TOPOFF II.

*Mutual aid agreements.*—The Committee commends ODP for encouraging and assisting jurisdictions in their efforts to coordinate their response plans locally, State-wide, and regionally. ODP has done this by ensuring that its training, equipment, technical assistance, and exercise programs support and reinforce the use of mutual aid agreements (MAAs) and emergency management assistance compacts (EMACs). Many State and local governments and private entities have demonstrated commendable foresight and initiative by formulating such agreements. Such agreements lay out the terms and conditions under which jurisdictions, agencies, and entities, both private and public, provide assistance to each other in the event of a disaster.

ODP's initiatives in this area have sought to augment overall response capability by integrating the combating terrorism capabilities of multiple jurisdictions, agencies, and entities at the Federal, State, and local (FSL) levels. The Statewide Three-Year Domestic Preparedness Strategies and annual State Assistance Plans (SAP) integrate MAA and EMAC agreements. The TOPOFF exercise series was designed specifically to exercise integrated FSL crisis and consequence management capabilities, including MAAs and EMACs.

TOPOFF 2000, conducted in May of 2000, included activation of the Northeast States Emergency Consortium (NESEC), which included the States of Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island and Vermont, as well as mutual aid agreements for participating communities throughout the region. TOPOFF 2000 capitalized on strong mutual-aid relationships and NESEC's development, promotion, and coordination of natural disaster and emergency management activities throughout the Northeast Region.

While the benefits of agreements like MAAs and EMACs are apparent, the Committee acknowledges that there are also potential drawbacks associated with them. For example, in a disaster of catastrophic proportions, multiple jurisdictions could be overwhelmed simultaneously, making assistance between jurisdictions impossible. Such contingencies are routine considerations in the ODP-assisted planning of these agreements, as they are in the ODP-administered training, equipment, and exercise programs.

The Committee recommends that, of the funds provided, \$5,000,000 be utilized to conduct a nationwide assessment of State

and local mutual aid agreements to identify the key components of well-coordinated and effective mutual aid and to produce a best practices guide to assist State and local governments in developing their mutual aid agreements.

*After action review.*—The Committee recommends that of the funds provided, \$500,000 be utilized to conduct a comprehensive, in-depth After-Action Review of the September 11, 2001 attack on the World Trade Center using reviews that are already underway or completed as a baseline. The purpose of the review is to identify critical lessons for first responder terrorism preparedness. First responders, just like the Federal agencies must have the opportunity to learn from the tragic events of September 11, 2001.

*Communications equipment interoperability.*—The Committee recognizes that communications interoperability among responders from the local to the Federal level is critical to our ability to prevent and respond to terrorist incidents. The Committee is aware that there is an ongoing effort coordinated by the Office of Management and Budget (OMB) called the e-Government Wireless Networks Initiative, or “SAFECON”. The Committee supports this and other ongoing interoperability initiatives and notes that ODP has been on the forefront of this important issue since its inception in 1996.

The Office of Domestic Preparedness, the National Institute of Justice, and the Office of Science and Technology, are currently managing the \$20,000,000 development of the Capital Wireless Integrated Network (CapWIN), a text messaging information system being developed for the Washington, D.C. metropolitan area. This network is being established as a “model program” that cuts across city and State boundaries. ODP has also played an integral role in the evaluation of the ACU 1000 and the development of early warning test beds and communications infrastructure for events involving chemical, biological, radiological, nuclear, and explosive (CBRNE) weapons. The Committee urges ODP to formalize such efforts under the auspices of the PADAG-CT.

#### *Funding summary*

PADAG-CT .....	\$2,000,000
Security clearance for 6 persons per State (FBI) .....	1,300,000
Training .....	48,000,000
Domestic Preparedness Equipment Grant program .....	85,000,000
POD Expansion .....	[20,000,000]
Formula equipment program .....	[65,000,000]
Exercises .....	34,000,000
TA/Evaluation .....	5,500,000
Mutual Aid Assessment .....	[5,000,000]
WTC After-action Report .....	[500,000]
Total .....	173,800,000

#### LEGAL ACTIVITIES

##### SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

2002 appropriation to date .....	\$1,410,338,000
2002 supplemental estimate .....	
Committee recommendation .....	5,200,000

*Prosecuting cybercrime/terrorism.*—The general unfamiliarity of the public with even the most basic aspects of how computers work and what they are capable of makes prosecuting cyber criminals and terrorists particularly challenging. Juries are overwhelmed by the jargon and intricacies of surfing the Web. Fortunately, the U.S. Attorneys have developed a low cost suite of computers and audio/visual equipment for the courtroom that will prove invaluable in demonstrating to juries how a cyber attack was launched and the damage it caused. The Committee recommendation includes \$5,200,000 for courtroom technology.

#### SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

##### (RESCISSION)

The Committee recommends a rescission of \$7,000,000 from the unobligated balances available in the “Salaries and Expenses, United States Attorneys” account as provided in Public Law 107–77. The funds are in excess of known requirements.

#### SALARIES AND EXPENSES, UNITED STATES MARSHALS SERVICE

##### (RESCISSION)

2002 appropriation to date .....	\$643,896,000
2002 supplemental estimate .....	
Committee recommendation .....	–2,100,000

The Committee recommends a rescission of \$2,100,000 from the unobligated balances available for the Training Academy in the “Salaries and Expenses, United States Marshals Service” account. The funds are in excess of known requirements.

#### FEDERAL BUREAU OF INVESTIGATION

##### SALARIES AND EXPENSES

2002 appropriation to date .....	\$4,236,073,000
2002 supplemental estimate .....	10,000,000
Committee recommendation .....	75,500,000

The Committee recommendation does not include \$10,000,000 requested for emergency funding for the Foreign Terrorist Tracking Task Forces (FTTTF). The Committee has provided another source of funding for the FTTTF under General Administration.

*Cybercrime/terrorism.*—Cyber criminals and terrorists are increasingly gaining the ability to disrupt the world’s commerce and communications by attacking our computer networks and systems. The Committee recommendation includes a number of initiatives to maintain our technological edge over these cyber terrorists:

- Research and development: The Committee is aware that the Special Technologies and Applications Unit (STAU) of the National Infrastructure Protection Center has a long list of unfunded research and development projects designed to detect and disrupt cyber attacks or identify their perpetrators, including proposals for “Automated Techniques to Identify Terrorist Networks”, “Dealing with Imperfect Identities or Links”, and “Arabic Language Translation Tools”. The Committee rec-

ommendation includes \$19,400,000 for the STAU to undertake the highest priority research and development projects.

- Patterns and practices: Money is an essential element of cybercrime, and particularly cyberterrorism. White Collar Crime squads have become expert in tracking fund raising activities, financing, and transactions, computer and otherwise, that may precede a cyber attack. The Committee recommendation includes \$8,000,000 for equipment, advanced training, and other operational costs for White Collar Crime squads in high cyber threat locations.
- Data mining and information sharing: Phase II of Trilogy development is the migration of existing (“legacy”) FBI databases to the Trilogy enterprise data base and the expansion of the network to include other law enforcement and intelligence agencies. Only when Phase II is complete will the full promise of Trilogy be achieved: sophisticated data mining of all databases to reveal non-obvious relationships, the results immediately available to the myriad of agencies responsible for combating cybercrime and terrorism. The Committee recommendation includes \$30,000,000 for the Information Resources Division to continue to pursue its data warehousing and collaborative capabilities initiatives.
- Cyber autopsies: Once a cyber criminal or terrorist network has been taken down, it is up to Computer Analysis and Response Team (CART) personnel to dissect the computer components and reveal the data and activity logs hidden within. Prosecutions turn on the ability of CART team members to extract proof of criminal activities hidden deep within hard drives. The Committee recommendation includes \$3,100,000 for CART equipment, advanced training, and other operational costs.

In addition, the recommendation includes \$7,500,000 for collaborative capabilities, \$7,500,000 for digital storage and retrieval of documents, \$3,400,000 out of existing funds for the costs associated with the operations and maintenance of the National Integrated Ballistics Information Network, and \$21,000,000 out of existing funds to upgrade the information technology infrastructure at Legal Attaché offices.

The FBI has Legal Attaché offices all over the world. Since 1940, the FBI has slowly expanded its presence overseas. While the FBI has made numerous cases to justify its consistent expansion over the past 60 years, very little effort has been made to monitor and evaluate the needs of these offices after they have been opened. The FBI is directed to submit a report to the Committee that provides the productivity level, workload, and mission for each existing Legal Attaché office no later than August 15, 2002. The report shall include a review and rightsizing proposal for each of the Legal Attaché offices to ensure that the most urgent needs are being met with the limited resources available.

The FBI is directed to submit a spending plan for the entire amount provided under this heading, subject to section 605 reprogramming requirements of Public Law 107–77 prior to obligating any of these funds.

*Sharing of risk and threat assessments.*—The Committee is aware of the need to better inform State and local first responders. The Committee directs the Bureau to provide a plan to the Committee no later than August 31, 2002 on how it will improve its capability for disseminating needed information to State and local first responders.

#### DRUG ENFORCEMENT ADMINISTRATION

##### VIOLENT CRIME REDUCTION PROGRAMS

###### (RESCISSION)

2002 appropriation to date .....	
2002 supplemental estimate .....	
Committee recommendation .....	– \$13,000,000

The Committee recommends a rescission of \$13,000,000 from the unobligated balances available in the “Drug Enforcement Administration, Violent Crime Reduction Programs” account. These funds represent prior year recoveries and are in excess of requirements.

#### IMMIGRATION AND NATURALIZATION SERVICE

##### SALARIES AND EXPENSES

2002 appropriation to date .....	\$3,821,240,000
2002 supplemental estimate .....	35,000,000
Committee recommendation .....	35,000,000

The Committee recommendation includes \$35,000,000 for salaries and expenses for INS. The amount recommended is identical to the supplemental budget request.

The Committee does not recommend the supplemental budget request to sustain the Immigration User Fee Account. The Committee is aware that the INS will be unable to spend these funds in a timely fashion. The Committee is also aware that the INS received \$449,000,000 in Emergency Spending for fiscal year 2002 and had obligated none of these funds as of February 28, 2002. Should additional funds be needed to supplement the User Fee Account, the INS shall submit a reprogramming request for the transfer of previously provided emergency funds to the User Fee Account.

Rather, the Committee recommendation includes \$35,000,000 for fleet management. INS, and particularly the Border Patrol, is facing a vehicle crisis. The Border Patrol is forced to run its vehicles to failure rather than replace them on a reasonable replacement cycle. Properly equipping border patrol agents is essential to protect our borders and to ensure homeland security.

#### CONSTRUCTION

2002 appropriation to date .....	\$228,054,000
2002 supplemental estimate .....	
Committee recommendation .....	84,000,000

The Committee recommends an appropriation of \$84,000,000 for construction for INS. This is \$84,000,000 above the President’s request.

As the INS continues to hire personnel at an exponential rate to ensure the safety of our borders, the INS must be able to provide adequate facilities to house them. The Committee understands that the INS has a current backlog of over \$1,500,000,000 for facility construction, renovation, and maintenance INS-wide.

The Committee recommendations by project are displayed in the following table:

<i>INS Construction</i>	
[In thousands of dollars]	
	<i>Committee Recommendation</i>
Border Patrol:	
New Construction:	
Massena, NY—Border Patrol Station .....	1,100
Blaine, WA—Border Patrol Station .....	500
Oroville, WA—Border Patrol Station .....	1,100
Calais, WA—Border Patrol Station .....	1,300
Van Buren, ME—Border Patrol Station .....	200
Grand Rapids, MI—Border Patrol Station .....	200
Jackman, ME—Border Patrol Station .....	200
St. Mary's, MT—Border Patrol Housing .....	3,400
Bonnars Ferry, ID—Border Patrol Station .....	1,000
Ramey, PR (Bldg. 723)—Border Patrol Station-SH .....	1,400
Brownfield, CA (Lead Mitigation) Supt. Bldgs—Border Patrol Station-SH .....	3,000
Douglas, AZ—Border Patrol Station .....	1,000
El Centro, CA—Border Patrol Station .....	17,000
Campo, CA—Border Patrol Station .....	6,800
Tucson, AZ—Border Patrol Station-SH .....	36,870
Subtotal .....	75,070
Lease Acquisition:	
Sault Ste. Marie, MI—Border Patrol Station .....	3,130
Colville, WA—Border Patrol Station .....	3,000
Trenton, MI—Border Patrol Station .....	2,800
Subtotal .....	8,930
Total, INS Construction .....	84,000

## FEDERAL PRISON SYSTEM

### BUILDINGS AND FACILITIES

#### (RESCISSION)

2002 appropriation to date .....	\$813,552,000
2002 supplemental estimate .....	
Committee recommendation .....	– 30,000,000

The Committee recommends a rescission of \$30,000,000 from the unobligated balances available under the heading “Buildings and Facilities”.

## OFFICE OF JUSTICE PROGRAMS

### ELECTION REFORM GRANT PROGRAM

2002 appropriation to date .....	
2002 supplemental estimate .....	
Committee recommendation .....	\$450,000,000



The Committee recommends \$450,000,000 for the Office of Justice Programs to establish an election reform grant program as authorized by H.R. 3295, the Martin Luther King, Jr. Equal Protection of Voting Rights Act of 2002, as amended and passed by the Senate on April 11, 2002. This amount is \$450,000,000 above the budget request. Within the amount provided, \$340,000,000 is for the Federal Election Reform Incentive Grant Program, \$10,000,000 is for the Protection and Advocacy Services Grant Program, and \$100,000,000 is for the establishment of the Federal Election Accessibility Grant Program as established by H.R. 3295, as amended and passed by the Senate.

#### COMMUNITY ORIENTED POLICING SERVICES

2002 appropriation to date .....	\$1,050,440,000
2002 supplemental estimate .....	
Committee recommendation .....	85,000,000

The Committee recommends \$85,000,000 for the Office of Community Oriented Policing Services (COPS) Interoperable Communications Technology program, to be designed and implemented by the COPS Office. This amount is \$85,000,000 above the budget request. The COPS Office will need adequate resources to implement this new program, therefore the Committee directs that the current hiring freeze be lifted and the Office be fully staffed. This program should address the critical need of law enforcement to improve cross-jurisdictional communication and information sharing. The Committee directs the COPS Office to develop and submit to the Committee, no later than 45 days after the implementation of this Act, proposed guidelines for the program. Consistent with the COPS Office's existing grant programs, the COPS Interoperable Communications Technology program should include a 25 percent local match requirement. COPS, Federal Emergency Management Administration (FEMA) and the Office of Domestic Preparedness should consult with one another to ensure that these programs are providing compatible communications equipment that will allow interoperability among law enforcement, fire, and EMS departments. The Committee urges that grants under these programs be used to purchase cost effective cross band repeaters or other frequency or band patching solutions, which allow agencies to make existing communications systems interoperable. In addition, equipment provided under these programs should be compatible with a suite of standards called ANSI/TIA-102, or more commonly referred to as Project 25, P-25, or APCO Project 25.

Of the amount provided for this program, \$5,000,000 shall be transferred to NIST to continue the efforts of the Office of Law Enforcement Standards (OLEs) regarding interoperability, and \$3,000,000 shall be transferred to the Bureau of Justice Assistance to provide training and technical assistance to grantees regarding the implementation of the equipment.

## JUSTICE ASSISTANCE

## (RESCISSION)

2002 appropriation to date .....	\$837,008,000
2002 supplemental estimate .....	
Committee recommendation .....	– 4,000,000

The Committee recommends a rescission of \$4,000,000 from the unobligated balances available under the heading “Office of Justice Programs”. Command confusion, and the resultant poor execution of grants, calls for a streamlining of management and administration. These funds added to the blurring of responsibility and lack of accountability in the Office of Justice Programs.

## DEPARTMENT OF COMMERCE AND RELATED AGENCIES

## TRADE AND INFRASTRUCTURE DEVELOPMENT

## RELATED AGENCIES

## OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

## SALARIES AND EXPENSES

2002 appropriation to date .....	\$30,097,000
2002 supplemental estimate .....	3,300,000
Committee recommendation .....	

The Committee does not recommend funding for the Office of the United States Trade Representative. This recommendation is \$3,300,000 below the supplemental budget request.

## DEPARTMENT OF COMMERCE

## INTERNATIONAL TRADE ADMINISTRATION

## OPERATIONS AND ADMINISTRATION

2002 appropriation to date .....	\$345,547,000
2002 supplemental estimate .....	
Committee recommendation .....	1,725,000

The Committee recommendation includes \$1,725,000 for the International Trade Administration to address system-wide information technology deficiencies and security vulnerabilities. The recommendation is \$1,725,000 above the supplemental budget request.

## EXPORT ADMINISTRATION

## OPERATIONS AND ADMINISTRATION

2002 appropriation to date .....	\$70,649,000
2002 supplemental estimate .....	8,700,000
Committee recommendation .....	8,700,000

The Committee recommendation includes \$8,700,000 for the Export Administration.

*Connectivity.*—Full and timely disclosure to the White House of both raw and analyzed intelligence by the agencies responsible for collecting and investigating leads concerning foreign and domestic terrorists is essential to preventing, not just responding to, terrorist attacks. The Critical Infrastructure Assurance Office [CIAO]

has proven to be an honest broker capable of assessing gaps in the connectivity of Federal information technology [IT] networks and systems. The Committee recommendation includes \$8,700,000 for the CIAO to assess the connectivity of key Federal agencies, including the Federal Bureau of Investigation, Immigration and Naturalization Service, the State Department, and various intelligence agencies, with the White House, to recommend improvements, and, as appropriate, to transfer such sums as are necessary to agencies to develop and implement IT connectivity solutions. The Committee directs the CIAO to deliver to the Committees on Appropriations a report on the current state of IT connectivity between the White House and key agencies and recommendations for improvement not later than September 1, 2002. The Committee further expects the CIAO to have distributed available funds to correct the most egregious shortcomings in IT connectivity not later than December 1, 2002. A cure plan detailing the investment strategy for addressing these shortcomings should be delivered to the Committees on Appropriations not later than December 31, 2002.

#### BUREAU OF THE CENSUS

##### PERIODIC CENSUSES AND PROGRAMS

###### (RESCISSION)

2002 appropriation to date .....	\$490,800,000
2002 supplemental estimate .....	
Committee recommendation .....	- 20,900,000

The Committee recommends a rescission of \$20,900,000 from the unobligated balances available in the “Bureau of the Census, Periodic Censuses and Programs” account. These funds represent prior year recoveries and are in excess of requirements.

#### NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

##### SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

2002 appropriation to date .....	\$680,751,000
2002 supplemental estimate .....	4,000,000
Committee recommendation .....	84,600,000

The Committee recommends a total appropriation of \$84,600,000 for the National Institute of Standards and Technology (NIST). The recommendation is \$80,600,000 above the supplemental budget request. Of this amount, \$22,000,000 is for standards development for chemical/biological/nuclear/radioactive explosive threat detection equipment and biomedical recognition equipment to support homeland security activities. This amount will also strengthen security and surveillance at the NIST neutron reactor.

The Committee recommendation includes \$16,600,000 is for equipping the Advanced Measurement Laboratory (AML). The funds will strengthen a broad range of homeland security activities by enabling NIST to provide the most demanding measurements and standards in support of advanced homeland security technologies. Advanced measurement and research equipment is needed to ensure that the AML will become a critical tool for NIST’s

development of the most advanced measurements and standards to support homeland security.

In addition, \$6,000,000 is provided for standards, technology and practices for buildings and emergency responders to develop and implement cost-effective safety and security of buildings, including emergency response.

Specifically, the recommended funding will be used to initiate a portion of critical needs in three technical areas: (1) Improving fire resistance test methods for connections and components in steel structures; (2) Developing performance measures for equipment used by first responders, including demonstration of enhancements to re-create simulation tool for fire and smoke movement in tall buildings; and (3) Developing guidelines and advanced technologies to reduce the vulnerability of civilian buildings to chemical, biological and radiological attacks.

Adequate and reliable wireless communications is an issue affecting the state and local public safety community. The NIST has been involved in projects working to resolve this issue for the past 3 years. During the past 3 years, NIST's Office of Law Enforcement Standards (OLES) has concentrated most of its technical efforts toward a major program of the Department of Justice, National Institute of Justice (NIJ) called the Advanced Generation of Interoperability for Law Enforcement (AGILE).

OLES recently completed the AGILE Strategic Plan for developing information technology information-sharing standards, as well as all of its accompanying documents. All background documents for a Wireless Standards Strategic Plan were also developed. The Strategic Plan associated with wireless telecommunications interoperability is being finalized by identifying the proper public safety practitioners to represent wireless users. This finished the preparation phase for information technology standards development, and allowed OLES to work with public safety information technology practitioners to develop the standards. OLES also performed a formal technical evaluation of an audio gateway device. Labeled a "cross-banding technology," the equipment allows the interoperation of dissimilar wireless telecommunication systems, for example between very high frequency radios and ultra-high frequency radios.

To further expand its efforts in interoperable communication standards for first responders, the Committee recommendation includes \$5,000,000 to be transferred from the Community Oriented Policy Services, Interoperable Communications Technology program to NIST's Office of Law Enforcement Standards. The recommended funding will provide coordination and management in the development of the following: (1) Public safety communications standards geared toward solving public safety interoperability and information sharing problems by developing and adopting NIJ standards for voice, data, image, and video information transfers; (2) examinations of requirements and development of standards for interoperable communications interfaces with protective equipment ensembles and respiratory protective equipment for emergency first responders, in particular for firefighters and for bomb suits; (3) Integrated approaches for automated integration of communications infrastructure systems and development of supporting standards,

methods, and tools to improve interoperability of these integrated systems; and (4) sensing, perception and modeling technologies to improve the situational awareness of first responders and help locate victims in adverse conditions. The Committee expects NIST to finalize these standards within 12 months of enactment of this Act.

The Committee recommendation includes \$40,000,000 for a Cyber-Security Initiative. Critical Federal information and systems are at grave risk to exploitation due to inadequate security. Federal officials responsible for running large Federal programs are making important information technology security judgments on the basis of incomplete, irrelevant, and inadequate information. Huge investments are being made in building new Federal systems that will be vulnerable from “day one.” Security critical information technology products that protect critical information are configured today so they are easily exploitable. Federal agencies are providing inconsistent protection of sensitive information and critical systems due to a lack of definitive, up-to-date, and comprehensive guidance.

To address this problem, the Committee recommendation includes \$30,000,000 for NIST to develop the following: (1) unified Federal guidelines and procedures for conducting system security certification, and a complimentary program to validate the technical security competence of organizations that perform these complex systems security reviews; (2) an Information System Security Architectural Assistance capability that agencies can draw upon to help review and improve proposed system security architectures; (3) security benchmarks for widely-used information technology security products and complimentary automated tools for system administrators to measure compliance; and (4) security guidelines in gap areas and overhaul of outdated security guidelines to secure sensitive Federal information technology assets.

The security of information technology system components, key security technologies, and resulting composed systems, cannot be scientifically measured leaving the nation with inadequate information regarding the state of our cyber defenses. Currently, there is no comprehensive and scientifically rigorous methodology to test the effectiveness of systems. For example, there are no standards for measuring the security of intrusion detection systems or embedded systems such as those in cellular telephones and electronic organizers. Security architectures and protocols for embedded systems are largely unexplored, leaving these systems vulnerable to numerous forms of attack. Inadequate technical means exist for organizations to enforce strong policies on access to information on our systems. Without means to measure the quality of security in all these types of systems, organizations have little knowledge of the state of their security and have difficulty justifying security resource expenditures based upon expected improvements. Security resources may be misapplied while serious vulnerabilities remain unaddressed.

To address these concerns, the Committee recommendation includes \$6,000,000 for NIST to: (1) develop advanced methods to express security requirements in ways that support secure composability and measurability to enable rapid testing with more comprehensive qualitative coverage; (2) design and architect better metrics, reference data, and ultimately more testable security ar-

chitectures; (3) build and operate an intrusion detection test bed in order to develop a rigorous methodology and test regime for intrusion detection systems to improve the security capabilities of such important system security defenses; (4) develop a coordinated Embedded Systems Security Architecture program to identify embedded system vulnerabilities, develop corrective prototype/proof-of-concept security systems and develop corresponding standards and conformance tests; and (5) develop an advanced access control and management architecture to enforce strong access control policies.

In addition, the Committee recommendation includes \$4,000,000 for a wireless security initiative. Minimal security exists to protect the ever-growing array of mobile and wireless systems now being deployed. Today's security solutions operate poorly within the constraints of mobile deployment, making wireless networks far more vulnerable than wired networks. Wireless security technology today cannot begin to adequately protect the government, corporate, and personal information that individuals wish to access with wireless mobility. Not only are the communications protocols flawed, but controls on access, availability and confidentiality of information on lightweight, mobile devices is inadequate. To address this problem, the Committee directs NIST to develop technologies to promote, enable, and enforce security on mobile devices, develop secure prototypes, and develop use of mobile code to secure wireless systems.

The Committee supports NIST's continued collaboration with the Department of Defense and other appropriate agencies in its effort in biometrics and cyber security.

#### NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

##### OPERATIONS, RESEARCH, AND FACILITIES

2002 appropriation to date .....	\$2,256,447,000
2002 supplemental estimate .....	
Committee recommendation .....	29,200,000

The Committee recommendation includes \$29,200,000 for the National Oceanic and Atmospheric Administration to address critical homeland security requirements. The recommendation is \$29,200,000 above the supplemental budget request. Of this amount, \$23,400,000 is for the National Ocean Service to address critical mapping and charting backlog requirements, \$3,000,000 is for the National Ocean Service to enhance the National Water Level Observation Network, and \$2,800,000 is for the National Environmental, Satellite, Data and Information Service for a backup capability for critical satellite products and services.

##### PROCUREMENT, ACQUISITION AND CONSTRUCTION

##### (INCLUDING RESCISSION)

2002 appropriation to date .....	\$836,552,000
2002 supplemental estimate .....	
Committee recommendation .....	- 900,000

The Committee recommendation includes \$7,200,000 for the National Oceanic and Atmospheric Administration (NOAA) to acquire a supercomputer backup. The recommendation is \$7,200,000 above the supplemental budget request. NOAA currently has only one

supercomputer to run the operational models which provide the foundation to all weather forecasts 7 days a week, 24 hours a day. If there were a catastrophic failure due to a terrorist act or other event that affected this asset, NOAA would not be able to provide the weather forecasts that the American public has come to depend upon and lives could be placed at risk. The proposed backup would be available in 3 hours, limiting the impact on NOAA's ability to provide weather forecasts.

The Committee recommends a rescission of \$8,100,000 from the unobligated balances available for the National Polar-Orbiting Operational Environmental Satellite System in the "National Oceanic and Atmospheric Administration, Procurement, Acquisition and Construction" account. These funds represent management reserve funds budgeted for unanticipated engineering challenges or schedule delays. Because the program is on time and within budget, these funds have been identified as being in excess of requirements.

#### FISHERIES FINANCE PROGRAM ACCOUNT

2002 appropriation to date .....	\$287,000
2002 supplemental estimate .....	- 3,000,000
Committee recommendation .....	- 3,000,000

The Committee has provided bill language which clarifies an error made in the recommendations provided in the President's fiscal year 2002 budget request, which was enacted in Public Law 107-77.

#### DEPARTMENTAL MANAGEMENT

##### SALARIES AND EXPENSES

2002 appropriation to date .....	\$42,428,000
2002 supplemental estimate .....	400,000
Committee recommendation .....	400,000

The Committee recommendation includes \$400,000 for increased guard and protection services at the Herbert C. Hoover Building. The amount recommended is identical to the supplemental budget request. This amount will allow the Department of Commerce to secure a performance based contract guard force to improve the quality and quantity of the members of the force.

#### THE JUDICIARY

##### SUPREME COURT OF THE UNITED STATES

##### CARE OF THE BUILDING AND GROUNDS

2002 appropriation to date .....	\$107,518,000
2002 supplemental estimate .....	10,000,000
Committee recommendation .....	10,000,000

The Committee recommendation includes \$10,000,000 for the building and grounds of the Supreme Court of the United States. The recommendation is identical to the request.

The recommendation includes \$10,000,000 to enhance the perimeter security of the Supreme Court building and grounds, which are part of the U.S. Capitol complex. Such enhancements will in-

clude the installation of walls, ballards, and in-ground vehicle barriers. Before such funds may be obligated for these improvements, a spending plan must be submitted to the Committees on Appropriations not later than July 1, 2002.

#### UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

##### SALARIES AND EXPENSES

2002 appropriation to date .....	\$19,287,000
2002 supplemental estimate .....	857,000
Committee recommendation .....	

The Committee recommendation does not include \$857,000 requested for emergency funding to improve the physical security at the National Courts Building which houses the U.S. Court of Appeals for the Federal Circuit. The Committee is aware of the General Services Administration (GSA) Federal Protective Service's (FPS) post-September 11 security assessment of the National Courts Building and believes the recommended improvements should be addressed by the GSA. The Committee understands that the GSA has had discussions with the Federal Circuit with regard to supporting these newly identified physical security improvements to the building. The Committee supports the findings of the FPS assessment and assumes funding for their implementation will be provided by the GSA.

#### COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

##### SALARIES AND EXPENSES

2002 appropriation to date .....	\$3,596,116,000
2002 supplemental estimate .....	3,143,000
Committee recommendation .....	9,684,000

The Committee recommendation includes \$9,684,000 to enhance security and meet the extraordinary trial related costs associated with the upcoming terrorist trials in Alexandria, VA, Boston, MA, and New York, NY. This recommendation is \$6,541,000 above the President's request.

The Committee recommendation will provide for the installation of protective window film on the courthouses, as well as address the unique technology and infrastructure modifications necessary to accommodate these high profile trials. Those modifications include permitting victims of crimes associated with the September 11, 2001 terrorist acts to watch proceedings in the criminal case against Zacarias Moussaoui via closed circuit transmission to several locations across the country, as authorized by S. 1858, the Terrorist Victims' Courtroom Access Act, passed by the Senate on December 20, 2001.

The Committee understands there also will be significant costs associated with the large jury pool required in such high profile trials. The Committee recommendation includes funding to address this need, including funding for special accommodations to ensure the protection of these juries.

In fiscal year 1999, the Committee established the Wireless Management Office (WMO) within the Department of Justice to coordi-



nate and execute the mandated VHF radio conversion to narrowband by January 1, 2005. All agency funding within the Department of Justice for radio conversion programs was then consolidated into the Narrowband Conversion account to be managed by the WMO. The Committee understands that the Department of Justice recently signed a memorandum of understanding with the Department of Treasury for the purpose of developing a system design for a joint Department of Justice-Department of Treasury wireless communication network. This joint venture will improve communications between the law enforcement agencies, improve communications between Department of Justice, Department of Treasury and other Federal, State, and local law enforcement agencies, achieve cost efficiencies, and meet the narrowband mandate.

In the Senate version of the fiscal year 2002 Appropriations bill, the Committee sought to transfer \$3,580,000 in funding from the Judiciary's court security appropriation to the Department of Justice Wireless Management Office (WMO) to maximize the cost and interoperability benefits of bringing the court security radio modernization program under the Department of Justice program. In conference, to address concerns raised by the Judiciary, the Committee increased funding for the court security account and did not include the transfer of funds to the Department of Justice Narrowband Conversion account. The Committee is dismayed to learn that the United States Marshals Service (USMS) judicial security division, which manages the Judiciary's court security program, has gone forward with the purchase of fiscal year 2002 radios on its own. The Committee wants to ensure that the radios purchased by the USMS are fully interoperable with those purchased by the WMO for other Federal law enforcement entities and that the radios were obtained at the lowest possible price. In order to address both the interoperability and price issues, the Committee directs the Administrative Office of the United States Courts, in collaboration with the USMS judicial security division and the Department of Justice Wireless Management Office, to provide the Committee with a report within 30 days of enactment of this Act that details the court security radio conversion program (fiscal year 2001 through fiscal year 2004), a description of the radios purchased including discussion of significant features and interoperability with other Federal law enforcement entities, the number of radios purchased/projected to be purchased by fiscal year, and the cost per radio.

## DEPARTMENT OF STATE AND RELATED AGENCY

### DEPARTMENT OF STATE

#### ADMINISTRATION OF FOREIGN AFFAIRS

#### DIPLOMATIC AND CONSULAR PROGRAMS

2002 appropriation to date .....	\$3,630,012,000
2002 supplemental estimate .....	51,050,000
Committee recommendation .....	38,300,000

The Committee recommends an additional \$38,300,000 for Diplomatic and Consular Programs for emergency expenses for activities

related to combating international terrorism. The recommendation is \$12,750,000 below the Administration request. Of these amounts, \$15,000,000 will be used to support Department of State operations in Kabul, Afghanistan and \$5,300,000 will be used for reestablishing a permanent presence in Dushanbe, Tajikistan. The Committee expects the Department to provide a spending plan on the proposed use of these funds for infrastructure improvements, operating requirements, and diplomatic security improvements no later than 15 days after enactment. Within the amount provided, the Committee recommendation includes \$3,000,000 for replenishment of the Department's chemical and biological emergency supplies that were consumed by the anthrax contamination, or that have been rendered useless as a result of being compromised by contaminated mail pouch bags, and \$15,000,000 for decontamination of the Department's mail room operations. The funding will be used for cleaning mail rooms and processing facilities, decontaminating mail, replacing contaminated equipment and facilities, and restarting the Department's pouch system. This funding is in addition to the \$10,000,000 provided from the Emergency Response Fund.

The Committee does not provide the requested funding for "American Rooms/Corners" program expansion into the Middle East. The Committee supports this program which provides Internet workstations in Russian cities. However, given the use of the Internet by terrorists for purposes of communicating with each other, setting up workstations where individuals have anonymous access to the Internet in cities where terrorist cells are known to operate is not recommended at this time.

The Committee does not provide the requested funding for the Regional Communications Office, and training on digital equipment. Funding is provided for similar initiatives under the Broadcasting Board of Governors account, where these initiatives are more appropriately handled. The Committee has already appropriated \$34,600,000 for the Middle East initiative through the BBG and efforts outlined in the Supplemental request for the Department of State are redundant of the BBG's ongoing operations.

#### CAPITAL INVESTMENT FUND

2002 appropriation to date .....	\$203,000,000
2002 supplemental estimate .....	2,500,000
Committee recommendation .....	

The Committee does not provide the \$2,500,000 requested for the Capital Investment Fund for the Coalition Against Terrorism (CAT) matrix. The Committee is aware that decisions concerning the sharing of classified information between agencies involved in combating terrorism, including the Department of State, are contingent on the National Strategy currently being developed by the Office of Homeland Security. Additionally, the Committee is aware that one of the goals of the Foreign Terrorist Tracking Task Force under the Department of Justice is to develop a consolidated, global database for the tracking and profiling of terrorists. Finally, the Committee is aware that certain information technology platforms currently under development at the Department of State could be leveraged to allow the sharing of classified information with the ap-

propriate Federal partners. As in other instances, the Committee expects the Department to build and improve upon existing capabilities when feasible. The Committee provided the Department of State \$266,000,000 for information technology-related activities in fiscal year 2002 and would entertain a reprogramming for this funding through the regular process.

#### EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

2002 appropriation to date .....	\$237,000,000
2002 supplemental estimate .....	10,000,000
Committee recommendation .....	9,000,000

The Committee recommends an additional \$9,000,000 for “Educational and Cultural Exchange Programs.” The recommendation is \$1,000,000 below the President’s request. Of this amount, the Committee supports the \$2,000,000 requested for English Language Programs. In addition, the Committee supports \$3,000,000 for the Afghan Women’s Council, the purpose of which is to promote public and private partnerships and mobilize resources to ensure that Afghan women gain the skills and education necessary to participate in reconstruction and development efforts within the economic and political recovery of their country. The Committee expects the Department to work to the maximum extent possible with the women’s networks and groups that operated during the rule of the Taliban in an effort not only to assist them but to learn how they achieved their success so that these best practices can be applied elsewhere in Afghanistan. The Committee also recommends \$4,000,000 for the Fulbright program to expand its existing programs in Islamic countries.

The Committee does not recommend funding a \$2,000,000 Department of State initiative to send American professional athletes to “offer training tips on work ethics” to Afghanistan. The Committee encourages the Department of State to work with any professional athletes or teams that contact the Department seeking to reach out to the people of Afghanistan.

#### EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

2002 appropriation to date .....	\$458,000,000
2002 supplemental estimate .....	200,516,000
Committee recommendation .....	210,516,000

The Committee recommends an additional \$210,516,000 for emergency expenses for activities related to combating international terrorism. The recommendation is \$10,000,000 above the request. Of these amounts, \$130,516,000 is for the construction of a new chancery in Kabul, Afghanistan, and \$80,000,000 is for Dushanbe, Tajikistan.

*Kabul, Afghanistan.*—The existing chancery in Kabul has been abandoned for 12 years and is structurally unsound and unusable. The current facility lacks basic security, fire, and life safety features. To date, \$52,850,000 has been provided for the first phase of rebuilding, including immediate temporary housing, security upgrades, and initial chancery work. Within the total amount provided for Kabul, the Committee recommendation includes \$120,516,000 to be used to complete construction of the compound, including rehabilitation of the chancery, an office annex, staff hous-

ing, Marine housing, a Deputy Chief of Mission Residence, and a Chief of Mission Residence.

The Committee is aware that the Department of State's initial planning was based on the expectation that Kabul's utility infrastructure would be sufficient for supporting the embassy's needs. A recent assessment of Kabul city's infrastructure, however, has demonstrated that the infrastructure is in worse condition than originally anticipated. Constant power fluctuations with numerous brown-outs per day, a deficient water supply, and virtually non-existent sewage treatment capability will require the Department to construct an on-compound and self-sufficient utility plant to provide power, water supply and treatment, and sewage treatment. The Committee recommendation includes an additional \$10,000,000 above the request for the construction of an on-compound utility plant in conjunction with Phase II of the embassy rehabilitation project.

*Dushanbe, Tajikistan.*—Tajikistan continues to be a principal player in the battle against international terrorism. The Committee is aware that the Department of State's current operations are split between Dushanbe, Tajikistan, and Almaty, Kazakhstan, with American personnel located in Almaty, and foreign service national staff working from the Ambassador's residence in Dushanbe. In addition, several of the buildings currently being used by the post are structurally unsound due to earthquakes. The Committee recommendation includes \$80,000,000 for site acquisition and construction of a new chancery, GSO/warehouse support facilities, and Marine housing.

The Department is directed to submit to the Committees on Appropriations, and receive approval for, a financial plan for the funding provided under this account. The overall spending plan shall include project-level detail and shall be provided to the Committees on Appropriations not later than July 1, 2002.

#### EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

2002 appropriation to date .....	\$6,500,000
2002 supplemental estimate .....	8,000,000
Committee recommendation .....	

The Committee recommendation does not include \$8,000,000 requested under this heading. The Committee expects the Department to use existing funds in this account to make humanitarian payments to injured individuals and their families in connection with the April 20, 2001 incident involving a civilian floatplane in Peru, since no additional legal authority is required. The Department is directed to submit to the Committees on Appropriation a reprogramming to cover the cost of such activities should the Department determine it should go forward with the payments.

#### INTERNATIONAL ORGANIZATIONS AND CONFERENCES

##### CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

2002 appropriation to date .....	\$850,000,000
2002 supplemental estimate .....	7,000,000
Committee recommendation .....	7,000,000

The Committee recommends an additional \$7,000,000 for expenses related to the new United Nations Special Mission to Afghanistan in accordance with the Bonn Agreement as endorsed by the Security Council. The amount recommended is identical to the President's request. The Committee expects that in utilizing these funds, the United Nations will build upon existing structures, minimize redundancies, and maximize efficiency of all United Nations activities in Afghanistan

#### CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

2002 appropriation to date .....	\$844,139,000
2002 supplemental estimate .....	43,000,000
Committee recommendation .....	

The Committee recommendation does not include \$43,000,000 requested for peacekeeping activities. Public Law 107-77 fully funded the fiscal year 2002 request level of \$844,139,000. This level of funding is sufficient for fiscal year 2002 activities. The Committee expects the Department to address any shortfall in funding projected for fiscal year 2003 to be addressed in the fiscal 2003 appropriations cycle. The Committee would be willing to consider a budget amendment from the Administration during consideration of that bill.

#### (RESCISSION)

2002 appropriation to date .....	\$844,139,000
2002 supplemental estimate .....	43,000,000
Committee recommendation .....	- 35,000,000

The Committee recommends a rescission of \$35,000,000 from the unobligated balances available in the "International Organizations and Conferences, Contributions for International Peacekeeping Activities" account. These funds were provided with the understanding that the U.S. share of peacekeeping assessments would change. Because the enabling legislation never passed, these funds are in excess of the statutory caps on U.S. peacekeeping payments.

#### RELATED AGENCIES

##### BROADCASTING BOARD OF GOVERNORS

##### INTERNATIONAL BROADCASTING OPERATIONS

2002 appropriation to date .....	\$498,206,000
2002 supplemental estimate .....	7,400,000
Committee recommendation .....	7,400,000

The Committee recommendation includes \$7,400,000, for programming and related transmission costs of surrogate radio broadcasting in Dari and Pashto. The amount recommended is identical to the President's request. The Committee recommendation allows Radio Free Europe/Radio Liberty to continue providing the people of Afghanistan news and information about events within Afghanistan and the surrounding region. While the Committee supports this additional funding, the Broadcasting Board of Governors (BBGS) was provided \$36,400,000, the full amount requested for its Middle East initiative, through Public Laws 107-77 and 107-117, of which only \$3,182,000 has been obligated. Consequently, the

BBG is directed to submit a spending plan to the Committees on Appropriation prior to July 1, 2002, for the funding provided in this account.

The Committee also directs the BBG to submit to the Committees on Appropriation an overall spending plan for the unobligated balance of funds provided in Public Law 107-77. The Committee further expects that this spending plan will be accompanied by a detailed summary of fiscal year 2002 funding that has already been obligated or expended.

## RELATED AGENCIES

### SECURITIES AND EXCHANGE COMMISSION

#### SALARIES AND EXPENSES

2002 appropriation to date .....	\$458,605,000
2002 supplemental estimate .....	20,000,000
Committee recommendation .....	29,300,000

The Committee recommends \$29,300,000 for the Securities and Exchange Commission. This is \$9,300,000 above the budget request. Within the amount provided, \$9,300,000 is for continued disaster recovery needs for the Commission's New York regional office. The Committee provided \$20,705,000 for the replacement of the SEC offices that were located in the World Trade Center; however, funds were insufficient for building out the acquired office space. This funding should complete the SEC's needs for new space in New York.

Within the amount provided, the Committee also recommends \$20,000,000 to pay for the salaries and expenses of an additional 100 employees at the SEC, including the cost of pay parity as requested by the Administration.

## GENERAL PROVISIONS, THIS CHAPTER

SEC. 201. The Committee recommends bill language to clarify Congressional intent regarding a grant program.

SEC. 202. The Committee recommends bill language regarding a Memorandum of Agreement. In addition, the Antitrust Division of the Department of Justice and the Federal Trade Commission are directed to report semi-annually to the Committees on Appropriations on concurrent jurisdiction concerning antitrust investigations and other antitrust matters.

SEC. 203. Establishes a Principal Associate Deputy Attorney General for Combating Terrorism and transfers certain entities within the Department of Justice so they report to this new position.

SEC. 204. The Committee recommends bill language that clarifies timing of recommendations to Congress from the Commission on Ocean Policy.

SEC. 205. The Committee recommends bill language clarifying an understanding between the International Joint Commission and the U.S. Army Corps of Engineers.

SEC. 206. Clarifies the definition of wild fish as defined in the Agricultural Marketing Act of 1946, as amended.

SEC. 207. Clarifies Congressional intent regarding a cooperative agreement.

SEC. 208. The Committee notes the extraordinary hardship faced by the fishing communities of New England due to the sudden and severe fishing restrictions in the region's groundfish fishery. In recognition of the regional differences in the fishing industry throughout New England, funds available for economic assistance are for direct payments to the most affected States, for the States, in turn, to grant to fishermen and fishing communities as the States deem most appropriate. The Committee recommendation includes \$11,000,000 for economic assistance, of which \$2,000,000 is for Maine, \$2,000,000 is for New Hampshire, \$5,500,000 is for Massachusetts, and \$1,500,000 is for Rhode Island. The Committee expects that these funds will be granted directly to the States within 60 days of enactment of this Act. However, the Committee also recognizes that some States would prefer that the National Marine Fisheries Service (NMFS) provide the grants directly to the fishermen. The Committee directs NMFS to administer this program should a State request the NMFS to do so rather than administering the program at the State level. The Committee notes that of the \$11,000,000, no funds are available to the Secretary of Commerce for administrative purposes.

SEC. 209. The Committee recommends \$5,000,000 for a coastal guardian program which will provide additional relief to fishermen affected by the recent Federal court decision regarding the Northeast multispecies fishery who are interested in providing assistance to Federal agencies in the collection of information critical to ensuring the long-term security and sustainability of the region's coastal environment. Such assistance will also help backfill surveillance gaps left after the events of September 11. The program will utilize, on a voluntary basis, available seaworthy vessels, and will draw upon the familiarity of New England fishermen with local waters and resources.

Funds would be provided to qualifying Northeast multispecies permit holders based on the economic impact associated with the decision in the recent court ruling. Days at sea previously used for cooperative research activities under the NMFS/Council program would qualify as days at sea for purposes of calculating lost fishing days under this program. Issuance of payment would be based on a commitment to make the vessel and/or fisherman available, for a time certain, to NOAA, the Coast Guard or affected States with a variety of coastal activities, including hydrographic survey work, conservation engineering development and testing, vessel-based surveillance work for maritime safety, enforcement, conservation, and research, deployment and testing of environmental sensors, including buoys and sonars, cooperative research and management, and vessel safety and maintenance activities.

## CHAPTER 3

## SUBCOMMITTEE ON DEFENSE

## DEPARTMENT OF DEFENSE

2002 appropriation to date .....	\$320,869,347,000
2002 supplemental estimate .....	14,022,000,000
Committee recommendation .....	14,022,000,000

The Committee recommends \$14,022,000,000 for the Department of Defense, as requested. Funds are recommended for: the conduct of military operations related to Operation Enduring Freedom and Operation Noble Eagle; pay and allowances for Reserve and National Guard personnel called to active duty; unforeseen military personnel costs; the procurement of munitions and weapons; critical command, control, communications, and intelligence support; and coalition support. Recommendations for specific classified programs are addressed in the classified annex to the Committee's report.

The Committee recommendation to fund the amount requested for defense requirements is made because of the importance that the Committee places on supporting the war on terrorism.

## MILITARY PERSONNEL

## MILITARY PERSONNEL, AIR FORCE

2002 appropriation to date .....	\$19,724,014,000
2002 supplemental estimate .....	206,000,000
Committee recommendation .....	206,000,000

The Committee recommends \$206,000,000 for Military Personnel, Air Force. The recommendation is identical to the request. These funds are to meet higher than anticipated personnel costs.

## OPERATION AND MAINTENANCE

## DEFENSE EMERGENCY RESPONSE FUND

2002 appropriation to date .....	\$3,395,600,000
2002 supplemental estimate .....	11,300,000,000
Committee recommendation .....	11,300,000,000

The Committee recommends \$11,300,000,000 for Defense Emergency Response Fund. The recommendation is identical to the request.

The President requested \$11,300,000,000 to be made available in a lump sum to the Defense Emergency Response Fund (DERF) to support the global war on terrorism. The Committee fully supports the men and women fighting the scourge of terrorism and commends them for their efforts. In recognition that their task is critically important and essential, the Committee is recommending the full amount for this purpose. The Committee is extremely concerned, however, with the lack of details about what is needed and the rules governing the use of this request. The Committee is, therefore, recommending strengthening the financial accountability of these funds.



Information provided to the Committee on May 8, 2002, indicates that the Defense Department is doing a better job of accounting for funds spent from the DERF than in previous contingencies. However, even now the Defense Department can only account for obligations of \$11,538,124,000, through April 20, 2002, from the \$16,492,557,000 Congress has already provided and OMB has allocated to DOD to prosecute the war. While in some areas the details explaining the use of funding is complete, in others it is lacking. As one example, included in the obligated amounts is \$1,499,266,000 for funds obligated under a category identified only as contingency response fund to support Joint Chiefs of Staff deployments.

The Defense Department has informed the Congress that it estimates it will obligate an additional \$1,738,016,000 in the immediate future from charges that it has identified or committed to already. Furthermore, it expects to have obligated all of its funding in the DERF by May 31, 2002.

The Committee understands that the Defense Department's supplemental request for \$11,300,000,000 reflects its best estimate for its expected needs. The Committee recognizes that DOD requires some flexibility to manage the war effort because there are many unknowns in the conduct of combat operations. It is impossible to predict combat operations precisely.

As listed in the following table, the Committee expects the Defense Department to allocate the funding provided in the DERF to specific appropriations based on the information provided by the military services on how they intend to use the funding requested. The Committee expects the Department of Defense to obligate the funds consistent with this guidance. However, the Committee understands that it may be necessary for the Defense Department to reallocate amounts from this spending plan to meet emergent requirements for the global war on terrorism. The Committee directs the comptroller to notify the Committees on Appropriations when it needs to reallocate funds and the reasons for any such adjustments. The Committee is optimistic that the military services have provided realistic estimates based on their current experiences and that any such changes will be minimal.

#### COMMITTEE RECOMMENDED PROGRAM

The Committee recommends the following transfers:

[In thousands of dollars]

	<i>Committee recommendation</i>
Military Personnel, Army: Reserve Component Mobilization .....	1,389,700
Military Personnel, Navy:	
Enhanced Career Sea Pay .....	102,000
Active Duty costs and Special Pays and Allowances .....	236,000
Reserve personnel mobilization .....	188,000
Military Personnel, Marine Corps:	
Pay and allowances, Imminent danger and family separation .....	9,000
Mobilized reservists .....	177,000
Military Personnel, Air Force:	
Pay and allowances for Officers .....	369,700
Pay and allowances for enlisted personnel .....	1,252,700
BAS .....	178,100
PCS allowances .....	48,000
Reserve Personnel, Navy: Active duty training and pay .....	2,000

	<i>Committee recommendation</i>
Operation and Maintenance, Army:	
Personnel Support .....	348,600
Operations Costs .....	583,000
Spare parts .....	50,000
Airlift, Sealift, Second Destination Transportation .....	1,034,400
Guantanamo Bay JTF-170 Information Operations .....	2,000
Guantanamo Bay JTF-170 Interrogations .....	20,000
Operation and Maintenance, Navy:	
CVBG training .....	15,000
LCAC and Amphibious support .....	1,000
Aviation support equipment .....	10,000
NCIS vulnerability assessments .....	6,000
Precision approach and landing certifications .....	5,000
Weapons and missile maintenance .....	40,000
Critical infrastructure operation and maintenance .....	50,000
CVBG interoperability tests and training .....	10,000
Logistics support .....	10,000
Foreign language and cryptological training .....	3,000
Mobilized reservists per diem .....	226,000
Service-wide transportation .....	93,000
Guantanamo operating costs .....	44,000
Ship maintenance—Reconstitution costs .....	42,000
Carrier Battle Group accelerated deployments .....	164,000
Reconstitution—Marine Gas Turbine Engines .....	6,000
Maintenance and preparation costs, IMAs, FTSCs, surge assets .....	115,000
Ship Depot Maintenance—additional availabilities and workload .....	82,000
USS <i>Scranton</i> DMP .....	90,000
Gun Maintenance .....	3,000
Aircraft maintenance—reconstitution .....	37,000
Aircraft maintenance—accelerated deployment costs .....	82,000
Aircraft maintenance—Program related logistics/engineering .....	18,000
Site R-Communications .....	3,000
Joint Communications Special Support equipment .....	1,000
Flying Hours—increased operations .....	121,000
Refueling contracts .....	11,000
Deployment of Reconnaissance aircraft .....	8,000
Ship operations—fuel, supplies, equipment .....	182,000
Ship operations—Combat Logistics Force .....	24,000
Ship operations—TAO and TAE costs .....	19,000
Operation and Maintenance, Marine Corps:	
OPTEMPO and deployment costs .....	42,000
Per diem for mobilized reservists .....	30,000
Operation and Maintenance, Air Force:	
Combat Air Patrol and Enduring Freedom Flight Operations .....	220,000
NORAD radio and communications upgrades .....	73,900
Global Hawk/U-2 deployments .....	46,300
Airlift Costs .....	583,800
Enduring Freedom logistics and containment .....	574,900
Noble eagle operations .....	406,100
Guantanamo Bay JTF-170 Information operations .....	2,000
Operation and Maintenance, Defense-wide:	
SOCOM OPTEMPO .....	397,400
SOCOM Deployment of forces .....	535,000
SOCOM Medical stocks and ammunition .....	1,000
SOCOM—Other deployment costs .....	165,000
SOCOM—Combat base support .....	1,600
Commercial imagery .....	15,000
JTF—Homeland Defense .....	10,000
Fuel .....	78,000
Operation and Maintenance, Army Reserve: Predeployment Training .....	10,000
Operation and Maintenance, Army National Guard: Predeployment Training .....	3,000
Overseas Humanitarian, Disaster and Civic Aid: Demining and unexploded ordnance activities .....	10,000
Procurement of Weapons and Tracked Combat Vehicles: Sniper rifles, modified magazines .....	4,000

	<i>Committee recommendation</i>
Procurement of Ammunition, Army: Small caliber ammunition .....	62,800
Other Procurement, Army: Continuity of Operations, Site R, Short Range Air Defense .....	33,200
Army mine clearing equipment .....	9,000
Aircraft Procurement, Navy:	
APN-6 J52 engines .....	9,000
APN-5 EA-6B center and outer wing repairs .....	60,000
APN-6 spares .....	27,000
Shipbuilding and Conversion, Navy: Incremental cost of maintenance availability .....	59,000
Other Procurement, Navy:	
Site R costs .....	3,000
Spare parts .....	27,000
Guantanamo Bay operations and costs .....	6,000
Other Procurement, Air Force: NORAD radio and communications up- grades .....	4,000
Research, Development, Test and Evaluation, Air Force: Global Hawk deployment .....	36,000
Defense Health Program: Activated reservists medical costs .....	243,800
Total .....	11,300,000

#### OPERATION AND MAINTENANCE, ARMY

2002 appropriation to date .....	\$22,335,074,000
2002 supplemental estimate .....	107,000,000
Committee recommendation .....	107,000,000

The Committee recommends \$107,000,000 for Operation and Maintenance, Army. The recommendation is identical to the request.

#### COMMITTEE RECOMMENDED PROGRAM

The following table summarizes the Committee's recommendations:

[In thousands of dollars]

Item	2002 supple- mental estimate	Committee rec- ommendation
Site R .....	5,200	5,200
Command, Control, Communications and Intelligence and Classified Pro- grams .....	101,800	101,800

#### OPERATION AND MAINTENANCE, NAVY

2002 appropriation to date .....	\$26,876,636,000
2002 supplemental estimate .....	36,500,000
Committee recommendation .....	36,500,000

The Committee recommends \$36,500,000 for Operation and Maintenance, Navy. The recommendation is identical to the request.

#### COMMITTEE RECOMMENDED PROGRAM

*Command, control, communications and intelligence and classified programs.*—The Committee recommends that of the funds provided, \$36,500,000 shall be available only for command, control, communications and intelligence capabilities and classified programs in support of Operation Enduring Freedom.

### OPERATION AND MAINTENANCE, AIR FORCE

2002 appropriation to date .....	\$26,026,789,000
2002 supplemental estimate .....	41,000,000
Committee recommendation .....	41,000,000

The Committee recommends \$41,000,000 for Operation and Maintenance, Air Force. The recommendation is identical to the request.

#### COMMITTEE RECOMMENDED PROGRAM

The following table summarizes the Committee's recommendations:

[In thousands of dollars]

Item	2002 supplemental estimate	Committee recommendation
UAV support .....	9,000	9,000
Command, Control, Communications and Intelligence and Classified programs .....	32,000	32,000

### OPERATION AND MAINTENANCE, DEFENSE-WIDE

2002 appropriation to date .....	\$12,773,270,000
2002 supplemental estimate .....	739,000,000
Committee recommendation .....	739,000,000

The Committee recommends \$739,000,000 for Operation and Maintenance, Defense-Wide. The recommendation is identical to the request.

#### COMMITTEE RECOMMENDED PROGRAM

The following table summarizes the Committee's recommendations:

[In thousands of dollars]

Item	2002 supplemental estimate	Committee recommendation
Command, Control, Communications and Intelligence and Classified programs .....	283,600	283,600
White House communications systems upgrades .....	3,400	3,400
Special Router Arrangement Service .....	17,000	17,000
Emergency Email Network .....	10,000	10,000
Internet Early Warning System Security .....	5,000	5,000
Foreign Assistance Transfer .....	420,000	420,000

### PROCUREMENT

#### OTHER PROCUREMENT, ARMY

2002 appropriation to date .....	\$4,183,736,000
2002 supplemental estimate .....	79,200,000
Committee recommendation .....	79,200,000

The Committee recommends \$79,200,000 for Other Procurement, Army. The recommendation is identical to the request.

## COMMITTEE RECOMMENDED PROGRAM

The Committee recommends an appropriation of \$79,200,000 solely for the purposes outlined below. The following table summarizes the Committee's recommendations:

[In thousands of dollars]

Item	2002 supplemental estimate	Committee recommendation
Site R .....	68,800	68,800
Command, Control, Communications and Intelligence and Classified Programs .....	10,400	10,400

## AIRCRAFT PROCUREMENT, NAVY

2002 appropriation to date .....	\$7,938,143,000
2002 supplemental estimate .....	22,800,000
Committee recommendation .....	22,800,000

The Committee recommends \$22,800,000 for Aircraft Procurement, Navy. The recommendation is identical to the request.

## COMMITTEE RECOMMENDED PROGRAM

The following table summarizes the Committee's recommendations:

[In thousands of dollars]

Item	2002 supplemental estimate	Committee recommendation
Command, Control, Communications and Intelligence and Classified programs .....	8,000	8,000
White House communications system upgrades .....	14,800	14,800

## PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

2002 appropriation to date .....	\$461,399,000
2002 supplemental estimate .....	262,000,000
Committee recommendation .....	262,000,000

The Committee recommends \$262,000,000 for Procurement of Ammunition, Navy and Marine Corps. The recommendation is identical to the request.

## COMMITTEE RECOMMENDED PROGRAM

*Joint Direct Attack Munition.*—The Committee recommends an appropriation of \$262,000,000 for the procurement of this munition which was being used faster than it could be replaced in Operation Enduring Freedom. These funds, along with those for the Air Force, will increase production to 2,800 JDAMs per month by August 2003.

## OTHER PROCUREMENT, NAVY

2002 appropriation to date .....	\$4,270,976,000
2002 supplemental estimate .....	2,500,000
Committee recommendation .....	2,500,000

The Committee recommends \$2,500,000 for Other Procurement, Navy. The recommendation is identical to the request.

#### COMMITTEE RECOMMENDED PROGRAM

*Command, control, communications and intelligence and classified programs.*—The Committee recommends \$2,500,000 which shall be made available only for command, control, communications and intelligence capabilities in support of Operation Enduring Freedom.

#### PROCUREMENT, MARINE CORPS

2002 appropriation to date .....	\$995,442,000
2002 supplemental estimate .....	3,500,000
Committee recommendation .....	3,500,000

The Committee recommends \$3,500,000 for Procurement, Marine Corps. The recommendation is identical to the request.

#### COMMITTEE RECOMMENDED PROGRAM

*Command, control, communications and intelligence and classified programs.*—The Committee recommends \$3,500,000 which shall be made available only for command, control, communications and intelligence capabilities in support of Operation Enduring Freedom.

#### AIRCRAFT PROCUREMENT, AIR FORCE

2002 appropriation to date .....	\$10,567,038,000
2002 supplemental estimate .....	93,000,000
Committee recommendation .....	93,000,000

The Committee recommends \$93,000,000 for Aircraft Procurement, Air Force. The recommendation is identical to the request.

#### COMMITTEE RECOMMENDED PROGRAM

The following table summarizes the Committee's recommendations:

[In thousands of dollars]

Item	2002 supplemental estimate	Committee recommendation
Predator production .....	37,000	37,000
Ground control station retrofit .....	8,000	8,000
Global Hawk replacement .....	35,000	35,000
Sensor packages and High Band Subsystem development .....	13,000	13,000

#### PROCUREMENT OF AMMUNITION, AIR FORCE

2002 appropriation to date .....	\$866,644,000
2002 supplemental estimate .....	115,000,000
Committee recommendation .....	115,000,000

The Committee recommends \$115,000,000 for Procurement of Ammunition, Air Force. The recommendation is identical to the request.

## COMMITTEE RECOMMENDED PROGRAM

*Joint Direct Attack Munition.*—The Committee recommends an appropriation of \$115,000,000 for the procurement of this munition which was being used faster than it could be replaced in Operation Enduring Freedom. These funds, along with those for the Navy, will increase production to 2,800 JDAMs per month by August 2003.

## OTHER PROCUREMENT, AIR FORCE

2002 appropriation to date .....	\$8,085,863,000
2002 supplemental estimate .....	752,300,000
Committee recommendation .....	752,300,000

The Committee recommends \$752,300,000 for Other Procurement, Air Force. The recommendation is identical to the request.

## COMMITTEE RECOMMENDED PROGRAM

*Command, control, communications and intelligence and classified programs.*—The Committee recommends \$752,300,000 only for command, control, communications and intelligence capabilities and classified programs in support of Operation Enduring Freedom.

## PROCUREMENT, DEFENSE-WIDE

2002 appropriation to date .....	\$2,389,490,000
2002 supplemental estimate .....	99,500,000
Committee recommendation .....	99,500,000

The Committee recommends \$99,500,000 for Procurement, Defense-Wide. The recommendation is identical to the request.

## COMMITTEE RECOMMENDED PROGRAM

The following table summarizes the Committee's recommendations:

[In thousands of dollars]

Item	2002 supplemental estimate	Committee recommendation
Command, Control, Communications and Intelligence and Classified programs .....	46,900	46,900
SOF ordnance acquisition .....	19,200	19,200
SOF ordnance replenishment .....	1,000	1,000
Rotary wing upgrades .....	12,100	12,100
C-130 modifications .....	3,300	3,300
SOF small arms & weapons .....	2,200	2,200
White House communications systems upgrades .....	14,800	14,800

## RESEARCH, DEVELOPMENT, TEST AND EVALUATION

## RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

2002 appropriation to date .....	\$7,106,074,000
2002 supplemental estimate .....	8,200,000
Committee recommendation .....	8,200,000

The Committee recommends \$8,200,000 for Research, Development, Test and Evaluation, Army. The recommendation is identical to the request.

#### COMMITTEE RECOMMENDED PROGRAM

*Hemostatic Battlefield Dressing.*—The Committee recommends an appropriation of \$8,200,000, as requested by the administration, for the production of these dressings and to fund the Federal Drug Administration (FDA) documents required to issue this dressing once approved.

*Non-self-destruct landmine alternative.*—In fiscal year 2001, the Committee provided \$25,000,000 to accelerate development of the “Non-Self-Destruct Landmine Alternative” (NSD-A), a man-in-the-loop mine system for Korea. At that time, the Committee expressed concern that the Department was considering the inclusion of a command activation feature, which would transform the man-in-the-loop system into a conventional mine system, and the Committee directed the Department to consult with the Committee prior to any decision to obligate funds for the development of such a feature. The Committee has since been informed that the command activation feature is a relatively simple, inexpensive one that can be integrated into this mine system at a later date of development before this alternative landmine is fielded. The Committee, therefore, directs the Department to release the fiscal year 2001 funds expeditiously so development of the NSD-A can move forward. It is the Committee’s intent that development of the NSD-A progress as far and as rapidly as possible until a decision on whether to integrate the command activation feature into the system needs to be made and that issue is resolved through consultation with Congress.

#### RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

2002 appropriation to date .....	\$11,498,506,000
2002 supplemental estimate .....	19,000,000
Committee recommendation .....	19,000,000

The Committee recommends \$19,000,000 for Research, Development, Test and Evaluation, Navy. The recommendation is identical to the request.

#### COMMITTEE RECOMMENDED PROGRAM

The following table summarizes the Committee’s recommendations:

[In thousands of dollars]

Item	2002 supplemental estimate	Committee recommendation
Command, Control, Communications and Intelligence and Classified programs .....	10,000	10,000
White House communications systems upgrades .....	9,000	9,000



## RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

2002 appropriation to date .....	\$14,669,931,000
2002 supplemental estimate .....	60,800,000
Committee recommendation .....	60,800,000

The Committee recommends \$60,800,000 for Research, Development, Test and Evaluation, Air Force. The recommendation is identical to the request.

## COMMITTEE RECOMMENDED PROGRAM

The following table summarizes the Committee's recommendations:

[In thousands of dollars]

Item	2002 supplemental estimate	Committee recommendation
High Band Subsystem/ACTD Ground control stations .....	23,000	23,000
Command, Control, Communications and Intelligence and Classified programs .....	37,800	37,800

## RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

2002 appropriation to date .....	\$15,415,275,000
2002 supplemental estimate .....	74,700,000
Committee recommendation .....	74,700,000

The Committee recommends \$74,700,000 for Research, Development, Test and Evaluation, Defense-Wide. The recommendation is identical to the request.

## COMMITTEE RECOMMENDED PROGRAM

The Committee recommends \$74,700,000 only for command, control, communications, and intelligence capabilities and intelligence programs in support of Operation Enduring Freedom.

## GENERAL PROVISIONS, THIS CHAPTER

SEC. 301. The Committee recommendation includes a general provision proposed by the administration which permits the use of available funds to meet the requirements of Special Operations Forces.

SEC. 302. The Committee recommendation includes a general provision proposed by the administration which authorizes the use of funds available in this Act for military construction.

SEC. 303. The Committee recommendation includes a general provision proposed by the administration which permits the Secretary of Defense to waive current restrictions on the establishment of a field operating agency.

SEC. 304. The Committee recommendation includes a general provision proposed by the administration which provides specific authorization for the funds appropriated in this Act for intelligence activities.

SEC. 305. The Committee recommendation includes a general provision proposed by the Administration which would make funds

available for the payment of certain additional costs of international inspectors under the Chemical Weapons Convention.

SEC. 306. The Committee recommendation includes a general provision which allows the President to waive current restrictions concerning the Cooperative Threat Reduction program.

## CHAPTER 4

### SUBCOMMITTEE ON THE DISTRICT OF COLUMBIA

#### DISTRICT OF COLUMBIA

#### FEDERAL FUNDS

##### FEDERAL PAYMENT TO THE CHILDREN'S NATIONAL MEDICAL CENTER

2002 appropriation to date .....	
2002 supplemental estimate .....	
Committee recommendation .....	\$13,770,000

The Committee recommends a Federal payment of \$13,770,000 to the Children's National Medical Center in the District of Columbia for implementation of the District Emergency Operations Plan. Of this amount, \$11,700,000 shall be used to expand quarantine facilities and \$2,070,000 is for the establishment of a decontamination facility. Children's Hospital has been designated as the central decontamination and treatment site for children and families in the event of an emergency such as a bioterrorist attack. Currently, there is no facility in the city that can accommodate the special concerns regarding the decontamination of children or to prevent the separation of children and families.

##### FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

2002 appropriation to date .....	\$171,958,000
2002 supplemental estimate .....	
Committee recommendation .....	24,730,000

The Committee recommends a Federal payment of \$24,730,000 to the District of Columbia to contribute to the implementation of the District Emergency Operations Plan.

The Committee recommends that of the amount provided to the District, \$14,730,000 shall be used to reimburse the District for public safety expenses related to national special security events in the District of Columbia. A similar proposal is contained in the President's fiscal year 2003 budget. The Federal Government shares the responsibility with the District government to provide security for all such events held in Washington. The Committee is recommending supplemental funding as reimbursement for security provided to Federal events held this spring and upcoming events.

The Committee recommends that of the amount provided to the District, \$10,000,000 shall be used for the construction of containment facilities in District hospitals to support the regional Bioterrorism Hospital Preparedness Program. The District created, in conjunction with the Centers for Disease and Control and Prevention, the Metropolitan Washington Council of Governments, and the Attending Physician of the U.S. Capitol, a regional program to respond to potential events of bioterrorism.

FEDERAL PAYMENT TO THE WASHINGTON METROPOLITAN AREA  
TRANSIT AUTHORITY

2002 appropriation to date .....	\$39,100,000
2002 supplemental estimate .....	
Committee recommendation .....	25,000,000

The Committee recommends a Federal payment of \$25,000,000 to the Washington Metropolitan Area Transit Authority, to contribute to the creation of a regional transportation back-up operations control center. The District of Columbia, as a whole, and the transportation system serving the region, faces a high level of risk of attack; therefore a high level of emergency preparedness is crucial. The Committee does not intend to provide additional Federal funding for the back-up Operation Control Center. Before Congress completes action on this legislation, local jurisdictions are urged to prepare a plan for contributing local or other resources to completing this project.

FEDERAL PAYMENT TO THE METROPOLITAN WASHINGTON COUNCIL  
OF GOVERNMENTS

2002 appropriation to date .....	\$5,000,000
2002 supplemental estimate .....	
Committee recommendation .....	1,750,000

The Committee recommends a Federal payment of \$1,750,000 to the Metropolitan Washington Council of Governments to acquire the technology to support the Regional Incident Communication and Coordination System, created with funding provided in the Fiscal Year 2002 Defense Supplemental Appropriations Act, and approved by all 17 regional governments making up the Council.

FEDERAL PAYMENT TO THE WATER AND SEWER AUTHORITY OF THE  
DISTRICT OF COLUMBIA

2002 appropriation to date .....	
2002 supplemental estimate .....	
Committee recommendation .....	\$3,000,000

The Committee recommends \$3,000,000 for the Water and Sewer Authority of the District of Columbia (WASA) to contribute to emergency preparedness and security. The Committee is concerned about biological, chemical and structural threats to the water and wastewater infrastructure in the national capital region. The Water and Sewer Authority services all of the Federal buildings in the District of Columbia and at the Pentagon. The security of this water system is critical to the security of the residents, employees, and visitors to the Nation's Capital.

Of the \$3,000,000, the Committee recommends the following items to enhance security of the water distribution system: \$250,000 for securing fire hydrants and manholes to prevent unauthorized entry, \$150,000 to upgrade the hydraulic model to predict and determine the impact of contamination, and \$1,800,000 for remote monitoring of water quality. The Committee also recommends the following items to increase security and response preparedness in the sewer and wastewater collection system: \$700,000 for design and construction of ventilation system improvements at the Main Pumping Station, and \$100,000 to create an Incident Response

Plan in the event of an act of terrorism associated with the sewer system. The District, WASA and regional governments have already engaged in extensive planning and response to protect drinking water. The Committee encourages WASA to treat the security of the water and sewer system as a high priority in their own budget.

## DISTRICT OF COLUMBIA FUNDS

### OPERATING EXPENSES

#### PUBLIC EDUCATION SYSTEM

##### (RESCISSION)

The Committee recommends a rescission of \$37,000,000 from the local funds account for Public Charter Schools for the fiscal year ending September 30, 2002 in the District of Columbia Appropriations Act, 2002, approved December 21, 2001 (Public Law 107-96). Enrollment at Public Charter Schools as of October 5, 2001 was 2,700 fewer students than had been budgeted for.

#### HUMAN SUPPORT SERVICES

The Committee recommends \$37,000,000 from local funds, of which \$11,000,000 shall be used by the Child and Family Services Agency to address increased adoption case rates, higher case loads for adoption and emergency group home utilization. In addition, of the amount provided under Human Support Services, \$26,000,000 shall be for the Department of Mental Health to address a Medicaid revenue shortfall.

#### PUBLIC SAFETY AND JUSTICE

##### (RESCISSION)

The Committee recommends a rescission of \$100,000 from local funds appropriated under this heading to the Department of Corrections for support of the Corrections Information Council for the fiscal year ending September 30, 2002 in the District of Columbia Appropriations Act, 2002, approved December 21, 2001 (Public Law 107-96).

#### CORRECTIONS INFORMATION COUNCIL

The Committee recommends \$100,000 from local funds for the Corrections Information Council to be used for operational expenses.

#### GOVERNMENTAL DIRECTION AND SUPPORT

The Committee recommends that \$353,000 provided under Public Law 107-96 for Attorney Retention Allowance may also be used by those attorneys that have since become union members.

## REPAYMENT OF LOANS AND INTEREST

## (RESCISSION)

The Committee recommends a rescission under the heading Repayment of Loans and Interest of \$7,950,000 in favor of Certificates of Participation. This rescission is possible due to lower interest rates and borrowing. The Committee further recommends that if the excess fund balance is not used for Pay-Go Capital and not required to meet the 7-percent cash reserve balance, it may be used to address potential deficits, as determined by the Chief Financial Officer, and subject to approval of the Mayor and Council.

## CERTIFICATES OF PARTICIPATION

The Committee recommends \$7,950,000 for Certificates of Participation to be used to finance the facility underlying the building located at One Judiciary Square.

## GENERAL PROVISIONS, THIS CHAPTER

SEC. 401. The Committee recommends that the Government of the District of Columbia may use up to 1 percent of the funds appropriated under Public Law 107–117 for funding the necessary administrative costs required to fulfill the purposes of that Act.

SEC. 402. The Committee recommends that the Mayor be allowed to procure insurance for property damage and tort liability.

SEC. 403. The Committee recommends that the District of Columbia Courts transfer 50 percent of the fund balance from the Crime Victims Compensation Fund directly to the District's newly established Crime Victims Fund for Outreach Activities. The Committee requests that the Mayor of the District of Columbia provide a report to the Committees on Appropriations of the Senate and the House of Representatives, no later than August 30, 2002, on the expenditures or planned expenditures from this fund.

SEC. 404. *Washington Metropolitan Area Transit Authority Re-programming.* The Committee recommends that \$2,400,000 provided to the Washington Metropolitan Area Transit Authority under Public Law 107–117 for protective clothing and breathing apparatus, may be used for employee and facility security and completion of the fiber optic network project.

SEC. 405. *Federal payment to the District of Columbia Courts.* The District of Columbia Family Court Act of 2001 requires numerous changes in the way the D.C. Courts serve the District's abused and neglected children. To expedite certain of these changes, the Act required the Chief Judge of the Superior Court to appoint individuals to serve as magistrate judges not later than 60 days of its enactment (March 9, 2002). The District of Columbia Appropriations Act, 2002 provided significant funds to implement the Family Court Act, subject to a waiting period which is expected to expire in July, 2002.

To comply with the Family Court Act, the Chief Judge of the Superior Court appointed five persons to serve as magistrate judges in March, 2002. Salaries and benefits for these magistrate judges and minimal support staff cost approximately \$100,000 per month. Construction and furnishings for office space within existing court

facilities; including relocating other operations, cost approximately \$500,000. On advice from the Comptroller General, the Courts have paid these costs from the operating and capital accounts funded under the Federal payment to the District of Columbia Courts appropriation and expect to obligate nearly \$1,000,000 in operating expenses before the Family Court appropriation becomes available. Additionally, the Courts must undertake significant capital improvements to accommodate the new Family Court. The Committee recommendation allows the Courts to reimburse capital obligations up to \$11,500,000.

The Committee recommendation implements GAO's recommendation (Decision B-290011) to create transfer authority for the Courts to reimburse the Federal payment accounts for these Family Court Act implementation costs once the Family Court appropriation becomes available. Without transfer authority, the Courts will be forced to defer or forgo essential operations and capital improvements, which the Federal payment appropriation was intended to finance.

SECS. 406-408. *Technical Corrections.* The Committee, at the request of the Governmental Affairs Committee, also recommends a technical correction to the Family Court Act of 2001 (Public Law 107-114) due to a drafting error. In addition, the Committee recommends three technical corrections to the Fiscal Year 2002 District of Columbia Appropriations Act (Public Law 107-96).

SEC. 409. *Independence of the Chief Financial Officer.* The Committee, at the request of the Mayor, Council Chair and Congressional Delegate of the District of Columbia, recommends an extension of the authority of the District's Chief Financial Officer.

## CHAPTER 5

### SUBCOMMITTEE ON ENERGY AND WATER DEVELOPMENT

#### DEPARTMENT OF DEFENSE—CIVIL

##### DEPARTMENT OF THE ARMY

##### CORPS OF ENGINEERS—CIVIL

##### OPERATION AND MAINTENANCE, GENERAL

2002 appropriation to date .....	\$2,013,803,000
2002 supplemental estimate .....	
Committee recommendation .....	10,000,000

The Committee recommendation provides \$10,000,000, an increase of \$10,000,000 above the Administration's request, for the Corps of Engineers.

The recommended funds are provided to assist with the recovery efforts resulting from the devastating effects of flooding which occurred in Southern West Virginia, Eastern Kentucky and Southwestern Virginia in May of this year.

The Committee recommendation includes language permitting the Secretary of the Army to utilize \$6,500,000 of funds appropriated under Public Law 107-117 to support increased security at Corps of Engineers owned and operated infrastructure facilities within the Mississippi River and Tributaries Program. The lan-

guage clarifies congressional intent that the enhanced security funding is to be available for all Corps of Engineers owned and operated infrastructure facilities.

DEPARTMENT OF ENERGY  
ATOMIC ENERGY DEFENSE ACTIVITIES  
NATIONAL NUCLEAR SECURITY ADMINISTRATION  
WEAPONS ACTIVITIES

2002 appropriation to date .....	\$5,560,238,000
2002 supplemental estimate .....	19,400,000
Committee recommendation .....	181,650,000

The Committee recommendation provides \$181,650,000, an increase of \$162,250,000 above the administrations's request, for Weapons Activities.

The Committee is alarmed that the administration has chosen to ignore the recommendations of the National Nuclear Security Administration and the Department of Energy concerning the appropriate level of funding required to keep our Nation's nuclear weapon stockpile, as well as our national laboratories and weapons plants, safe and secure from current and emerging threats.

For nuclear weapons incident response activities, the Committee recommendation includes \$1,500,000 to maintain specially equipped radiological detection aircraft at Andrews Air Force Base and Nellis Air Force Base; \$8,800,000 to expand radiological search and response missions and accelerate and enhance the deployment of radiological search teams in major urban centers throughout the United States; \$2,000,000 to establish a permanent Capital Response Team in the National Capital area; \$2,200,000 to establish TRIAGE, a national "9-1-1" type of system to provide immediate assistance to local emergency responders confronting hazards from nuclear materials; \$2,000,000 to support critical improvements in equipment and response capability for the DOE Consequence Management Teams; \$1,800,000 to assist in asset deployment for National Security Special Events, law enforcement efforts of the FBI, Department of Justice, and Secret Service at events of significant size, profile, and significance; and \$1,100,000 to expand the Pager-S program to increase the local response capability in Washington, DC, and New York City to detect radiological material that might be used for malevolent purposes.

To enhance the security and protection of nuclear material and stockpile components during transit, the Committee recommendation includes \$18,000,000 for the Secure Transportation Asset program.

For counter-terrorism activities and preparedness, the Committee recommendation includes \$40,000,000 for the on-going operation, maintenance, and construction of the National Center for Combating Terrorism.

The Committee recommendation includes funding for the following safeguards and security activities: \$12,000,000 to acquire additional explosive detection equipment throughout the nuclear weapons complex; \$9,000,000 to increase protective force support

throughout the nuclear weapons complex; \$8,000,000 to harden barriers, including vehicle and perimeter barriers at DOE sites and laboratories; \$5,250,000 for Weapons Complex security improvements nationwide, including additional storage facilities (vaults, tunnels, underground storage), road relocations, and expediting construction efforts which enhance the security of nuclear materials; \$10,000,000 to perform security systems performance improvements nationwide; \$30,000,000 to consolidate special nuclear material to decrease the number of locations which must be secured; and \$30,000,000 to increase cyber security manpower and equipment to protect nuclear weapons complex sites and information.

The Committee recognizes the need for the NNSA to provide for secure communications links between the intelligence and non-proliferation communities and to adequate classified work areas to accommodate the additional staff required to achieve efficient, timely, sustained acceleration of NNSA nonproliferation programs. The Committee authorizes the Department to realign existing funds, previously appropriated to NNSA, for this purpose. The Department shall notify the Committees within 30 days of the specific realignment of funds.

#### DEFENSE NUCLEAR NONPROLIFERATION

2002 appropriation to date .....	\$1,029,586,000
2002 supplemental estimate .....	
Committee recommendation .....	100,000,000

The Committee recommendation provides \$100,000,000, an increase of \$100,000,000 above the administration's request, for Defense Nuclear Nonproliferation.

According to former Republican Majority Leader Howard Baker and former White House Counsel Lloyd Cutler, Co-Chairmen of a blue ribbon panel charged with taking a comprehensive look at nuclear nonproliferation issues in 2001, "[t]he most urgent unmet national security threat to the United States today is the danger that weapons of mass destruction or weapons-usable material in Russia could be stolen and sold to terrorists or hostile nation states". The Committee remains concerned that the administration continues to ignore the threat to our Nation's security posed by nuclear weapons, materials, and know-how in the former Soviet Union.

The Committee has heard convincing testimony from former Senator Sam Nunn, the Co-Chairman of the Nuclear Threat Initiative, that the most urgent threat to our Nation is the danger that a terrorist could acquire weapons-grade materials, build a rudimentary nuclear device and detonate it in a U.S. city. The Committee believes more must be done to both protect, control, and account for nuclear weapons and material abroad, and also be better prepared to detect and respond to the possibility of nuclear materials being smuggled into this country.

In light of this, the Committee recommends \$100,000,000 for Defense Nuclear Nonproliferation activities. Of this amount, \$65,000,000 will be used to protect and safeguard nuclear material in the Former Soviet Union and elsewhere, and \$35,000,000 will be used to develop sensors and other technologies that will prevent nuclear and other deadly materials from entering this country, de-



tect these substances elsewhere in the nation, and enhance preparedness in the event of an attack.

*Nonproliferation Programs with Russia.*—The Committee recommendation includes \$10,000,000 for the Nuclear Cities Initiative, a program that employs former Soviet Union weapons scientists in non-weapons related fields within the closed nuclear cities; and \$10,000,000 for the International Nuclear Safety program that supports the completion of safety systems and other upgrades at Soviet-designed nuclear reactors.

Additionally, the Committee agrees with the administration's fiscal year 2003 recommendation to transfer the Elimination of Weapons-Grade Plutonium Production in Russia Program (EWGPP) to the Department of Energy from the Department of Defense. The Committee recommendation includes \$19,000,000 to expand and accelerate this program's activities. The EWGPP allows the shutdown of three plutonium-producing reactors at the weapons production sites within two closed cities in Russia. The program will refurbish existing fossil fuel-powered heat and generation facilities to replace the heat and power at the nuclear facilities that are to be shut down.

*Arms Control.*—The Committee recommendation includes \$6,000,000 for Arms Control to be used to implement the U.S./DPRK Agreed Framework to end the North Korean nuclear material production program.

*International Materials Protection Control & Accounting.*—The Committee recommendation includes \$20,000,000 for the MPC&A program. Of this amount, \$10,000,000 will be used to plan and initiate nuclear materials protection, control, and accounting in countries of concern other than the Former Soviet Union. Additionally, \$10,000,000 of the amount is provided to enhance national laboratory support to International Atomic Energy Agency (IAEA) initiatives to expand physical security programs in countries under IAEA safeguards agreements. It is vital that the United States support the establishment of international standards for the physical security and safeguarding of weapons grade nuclear material.

*Nonproliferation Verification, R&D.*—The Committee recommendation includes \$35,000,000 for Nuclear Nonproliferation and Verification, Research and Development. Funds will provide for development of (1) advanced systems analysis tools to model infrastructure vulnerabilities, including susceptibility of chemical, biological, and nuclear facilities to cyber attack and disruption; (2) advanced radiation detector systems for monitoring cargo shipping containers; and (3) biological detection and response architecture studies which will model the feasibility and detection requirements for large-scale deployment of bio-detection systems.

Within these funds, the Committee directs that not less than \$20,000,000 be provided for the acceleration and expansion of the Nuclear and Radiological National Security Program. The program will focus on the improvement and application of existing technologies and the development and application of new technologies to counter nuclear and radiological terrorist threats, particularly in the area of so-called "dirty bombs".

## OFFICE OF THE ADMINISTRATOR

2002 appropriation to date .....	\$312,596,000
2002 supplemental estimate .....	
Committee recommendation .....	1,750,000

The Committee recommendation provides \$1,750,000, an increase of \$1,750,000 above the administration's request, for the Office of the Administrator.

## ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

## DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT

2002 appropriation to date .....	\$5,242,776,000
2002 supplemental estimate .....	
Committee recommendation .....	40,000,000

The Committee recommendation provides \$40,000,000, an increase of \$40,000,000 above the administration's request, for the Defense Environmental Restoration and Waste Management program.

The amount recommended by the Committee includes funding for protective forces and physical security at the following DOE Environmental Management landlord sites: \$20,000,000 for the Savannah River Site; \$5,400,000 for the Richland Site; \$7,500,000 for the Idaho Site; and \$2,100,000 for the Oak Ridge Site.

## OTHER DEFENSE ACTIVITIES

2002 appropriation to date .....	\$547,544,000
2002 supplemental estimate .....	7,000,000
Committee recommendation .....	7,000,000

The Committee recommendation provides \$7,000,000, the amount of the administration's request, for Other Defense Activities.

The recommendation includes \$6,000,000 for the energy security and assurance program. The Committee directs the Department to work closely with the private sector to anticipate and assess security vulnerabilities of the Nation's energy infrastructure. The Committee also expects the Department to conduct emergency exercises and emergency planning conferences with State, local, and private sector planning officials throughout the country and to develop and disseminate training materials to State, local, and private partners.

The recommendation also includes \$1,000,000 for program direction.

## GENERAL PROVISIONS, THIS CHAPTER

SEC. 501. The Committee recommends a rescission of \$30,000,000 from "Energy Supply", "Non-Defense Environmental Management", "Science", "Departmental Administration", and the non-defense portion of "Nuclear Waste Disposal". While the Committee has chosen not to specify separate rescissions in each of these accounts, it is expected that the Department will not impose disproportionate cuts in any account. The Committee directs the Director of the Office of Management and Budget to submit to the House and Senate

Committees a listing by account of the reductions made pursuant to this rescission.

SEC. 502. The Committee recommendation includes language that provides that amounts invested by the non-Federal interests in the biomass project at Winona, Mississippi, before the date of enactment of this Act, shall constitute full satisfaction of the cost-sharing requirement under section 3002 of the Energy Policy Act of 1992 (42 U.S.C. 13542).

SEC. 503. The Committee recommendation includes language that requires the Secretary of Energy to award a contract for the design, construction, and operation of facilities for the conversion and disposition of depleted uranium hexafluoride on each of the sites of the gaseous diffusion plants at Paducah, Kentucky and Portsmouth, Ohio. The Committee expects that the Department of Energy will request in fiscal year 2004 and beyond sufficient funds for these purposes.

SEC. 504. The Committee recommends \$3,000,000 for the Department of the Interior, Bureau of Reclamation, Water and Related Resources, for the drilling of five wells in Santa Fe, New Mexico.

## CHAPTER 6

### SUBCOMMITTEE ON FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS

#### BILATERAL ECONOMIC ASSISTANCE

##### FUNDS APPROPRIATED TO THE PRESIDENT

##### UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

##### CHILD SURVIVAL AND HEALTH PROGRAMS FUND

2002 appropriation to date .....	\$1,433,500,000
2002 supplemental estimate .....	
Committee recommendation .....	100,000,000

The Committee has provided \$100,000,000 for the "Child Survival and Health Programs Fund," which may be made available as a U.S. contribution to the Global Fund to Combat HIV/AIDS, Tuberculosis and Malaria. Despite the sharp increase in funding to combat these three deadly diseases in recent years, the Committee believes that the international response does not yet match the urgency and scope of the threats they pose to global health and security. The Committee is aware that the Global Fund, which only recently began operations, has already received proposals for funding which exceed its available resources.

##### INTERNATIONAL DISASTER ASSISTANCE

2002 appropriation to date .....	\$235,500,000
2002 supplemental estimate .....	40,000,000
Committee recommendation .....	150,000,000

The Committee has provided \$150,000,000 for "International Disaster Assistance," of which \$100,000,000 is for humanitarian and reconstruction activities in Afghanistan. The Committee has provided these funds, consistent with the President's public expressions of support for the reconstruction of Afghanistan in the spirit

of the Marshall Plan, after consulting with experts in the administration and private relief organizations. Those experts described a dire situation in which the needs are vast and the funds requested are inadequate.

The Committee is aware that some Afghan citizens' homes were damaged or destroyed in the military campaign against al Qaeda and the Taliban, and believes it is in the humanitarian and national security interests of the United States to make available a sufficient portion of these funds to repair or replace these homes.

The Committee is also aware that large numbers of Afghan refugees who are returning to Afghanistan are in need of food, shelter, and other immediate assistance.

The Committee is concerned about the security situation in Afghanistan, as factional fighting, banditry, and threats against prominent Afghan leaders could undermine U.S. aid programs and opportunities for long term peace and development. It will be months before the Afghan police and army are fully operational, and the administration has opposed expanding the mandate of the international peacekeeping force. The Committee urges the administration to work with the Afghan Interim Authority and coalition partners to formulate an effective strategy to address the immediate security needs. The Committee also emphasizes the need to carefully vet Afghan police and army recruits, and to establish clear and coherent missions for both.

The Committee is concerned with the humanitarian needs of Palestinians, and has provided \$50,000,000 for humanitarian, refugee, and reconstruction assistance for the West Bank and Gaza. The Committee prohibits any of these funds from being made available to the Palestinian Authority. The Committee also supports the expeditious use of funds previously appropriated for the Palestinian people in the "Wye Supplemental" to meet these urgent needs.

#### OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

2002 appropriation to date .....	\$549,000,000
2002 supplemental estimate .....	7,000,000
Committee recommendation .....	5,000,000

The Committee has provided \$5,000,000 for Operating Expenses of the United States Agency for International Development.

#### OTHER BILATERAL ECONOMIC ASSISTANCE ECONOMIC SUPPORT FUND

2002 appropriation to date .....	\$2,199,000,000
2002 supplemental estimate .....	525,000,000
Committee recommendation .....	700,000,000

The Committee has provided \$700,000,000 in Economic Support Fund assistance. Of this amount, the Committee has designated \$15,000,000 to establish and administer an international exchange program for secondary school students from countries with significant Muslim populations. The Committee expects the State Department to model this program on its successful Future Leaders Exchange, which brings high school students from the former Soviet republics to the United States to study at a public high school for

an academic year and live with an American family. The Committee requests the Department of State to provide a report no later than 3 months after the date of enactment of this Act, in which it lists priority countries for participation in the program, estimates the number of participating students from each country, identifies United States sponsoring organizations, and provides a schedule for implementation of the program.

The Committee strongly supports the development of independent media in the Middle East, and has provided that not less than \$3,500,000 shall be made available to support programs and activities that provide professional training for journalists from Egypt and other countries in the Middle East. The Committee expects that funds will be provided to those organizations with ongoing and successful foreign journalist training programs.

The Committee also believes that the development of independent media in Pakistan is essential to that country's democratic development. The Committee has provided not less than \$3,500,000 to support this endeavor.

The Committee has provided \$200,000,000 in Economic Support Fund assistance for Israel to prevent or respond to international terrorism.

The Committee recognizes and appreciates the important role that Jordan continues to play in regional security issues and in seeking a peaceful resolution to the Palestinian-Israeli conflict. The Committee strongly supports the administration's request for military and economic assistance for Jordan.

The Committee notes that the administration proposes to make available \$2,000,000 in ESF funds for Cote d'Ivoire. However, doing so would require waiving section 508 of Public Law 107-115, which bars assistance to governments of countries whose duly elected head of government is deposed by decree or military coup. The Committee has not received sufficient justification for waiving this important provision.

#### ASSISTANCE FOR THE INDEPENDENT STATES OF THE FORMER SOVIET UNION

2002 appropriation to date .....	\$784,000,000
2002 supplemental estimate .....	110,000,000
Committee recommendation .....	110,000,000

The Committee has provided \$110,000,000 for certain Central Asian countries, to support such needs as health, education and exchanges, democracy and human rights, community development and infrastructure, and economic growth. While the Committee has also provided assistance elsewhere in this chapter for border security and other law enforcement measures to prevent or respond to international terrorism, it believes that promoting economic development and strengthening democratic institutions are essential to a long term counter-terrorism strategy in this region.

Because of the history of authoritarian rule in many of these countries, the Committee believes that every effort should be made to promote political pluralism, strengthen civil society, the rule of law and democratic institutions, and protect human rights. The Committee has provided \$7,000,000 for these activities, to be ad-

ministered by the State Department's Bureau of Democracy, Human Rights and Labor.

The Committee requests that funds be made available to support the establishment and operations of a National Security Council in Georgia that will help facilitate cooperation with the United States in preventing and responding to acts of international terrorism, and to help coordinate the flow of information and intelligence within the Government of Georgia.

The Committee strongly supports the use of volunteer organizations, such as the International Executive Service Corps, in development programs abroad. The Committee expects the U.S. Agency for International Development to utilize these organizations in appropriate programs and activities funded in this chapter.

#### DEPARTMENT OF STATE

##### INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

2002 appropriation to date .....	\$217,000,000
2002 supplemental estimate .....	114,000,000
Committee recommendation .....	104,000,000

The Committee has provided \$104,000,000 for International Narcotics Control and Law Enforcement (INCLE) activities. Of this amount, the State Department proposes to use \$4,000,000 to extend the presence of Colombian police forces to rural areas previously under guerrilla or paramilitary control. This is a first step to reestablishing government control throughout the country. The Committee has also provided not less than \$2,500,000 for training and equipment for law enforcement officers to protect Colombia's biological reserves and national parks, which are increasingly vulnerable to coca growers and illegal loggers.

The Committee has provided up to \$4,000,000 for law enforcement training for Indonesian police forces.

##### MIGRATION AND REFUGEE ASSISTANCE

2002 appropriation to date .....	\$705,000,000
2002 supplemental estimate .....	
Committee recommendation .....	50,000,000

The Committee is aware that the number of refugees returning to Afghanistan has dramatically exceeded initial estimates and that several other refugee crises in the Middle East, Colombia, Africa and elsewhere threaten U.S. humanitarian and national security interests. The Committee recognizes that current funding levels will not be sufficient to adequately address these needs and has provided \$50,000,000 for these purposes.

The Committee believes that repatriation of Afghan refugees must be closely coordinated with reintegration and development programs to increase the effectiveness of reconstruction efforts in Afghanistan. The Committee is aware of concerns in certain areas that insufficient resources exist, particularly water, to support returning populations of refugees and internally displaced persons. The Committee supports efforts to immediately address these issues.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED  
PROGRAMS

2002 appropriation to date .....	\$313,500,000
2002 supplemental estimate .....	83,000,000
Committee recommendation .....	93,000,000

The Committee has provided \$93,000,000 for the Nonproliferation, Anti-Terrorism, Demining and Related Programs (NADR) account, of which \$10,000,000 is for humanitarian demining activities to address the ongoing threat of landmines and other unexploded ordnance in Afghanistan and other countries.

The Committee has provided that not to exceed \$12,000,000 shall be made available for assistance for Indonesia, and that these funds may be used only to train and equip an Indonesian police unit to prevent or respond to international terrorism. The Committee has received insufficient details regarding the administration's plans for the use of these funds. However, the Committee recognizes that Indonesia is a potential terrorist haven and that these funds may be justified. The Committee, like the State Department, believes this is a police function, and expects effective measures to be taken to ensure that officers who receive this assistance are properly vetted and under civilian control. The assistance should be used in a manner that is consistent with the larger goal of strengthening, professionalizing and extending police presence throughout the archipelago. The Committee is aware that "Brimob" Mobile Brigade units have a long history of human rights abuses and has therefore prohibited assistance to these units. The Committee requests to be consulted in connection with any notification for the obligation of funds for Indonesia.

The Committee is aware that the Nonproliferation and Disarmament Fund may run out of funds before the end of this fiscal year, and has therefore provided \$1,000,000 for this contingency fund to avoid any shortfall.

The Committee is aware that Bolivia has made great strides in reducing coca cultivation. The Bolivian Government has requested counter-terrorism training and assistance, and human rights training, for its police forces, and the Committee urges the State Department to seriously review these requests.

The Committee notes that the administration has requested funds to demobilize combatants in Afghanistan. As demobilization occurs, stockpiles of small arms and light weapons will accumulate and inevitably find their way back into circulation, if they are not destroyed. Therefore, the Committee has provided \$2,000,000 for small arms and light weapons destruction programs in Afghanistan.

## MILITARY ASSISTANCE

### FUNDS APPROPRIATED TO THE PRESIDENT

#### FOREIGN MILITARY FINANCING PROGRAM

2002 appropriation to date .....	\$3,650,000,000
2002 supplemental estimate .....	372,500,000
Committee recommendation .....	347,500,000

The Committee has provided \$347,500,000 in Foreign Military Financing assistance for certain countries.

The Committee strongly recommends that a portion of these funds be used to establish, train and equip a Colombian army brigade dedicated to providing security to civilian prosecutors in operations to collect evidence and execute arrest warrants against leaders of paramilitary organizations. The Committee believes that such a brigade is urgently needed, as prosecutors have been threatened and killed by paramilitaries, and numerous outstanding arrest warrants against these individuals have not been executed. A brigade dedicated solely to this function would also demonstrate the army's commitment to combat aggressively the growing paramilitary threat.

The Committee has provided that not to exceed \$3,500,000 may be made available for the Colombian Armed Forces to protect the Cano Limon pipeline, which has been the frequent target of guerrilla attacks. However, the Committee notes that Occidental Petroleum owns 44 percent of the pipeline and the Spanish oil company Repsol owns 6 percent, and does not believe that American taxpayers should pay the cost of protecting these companies' investments. Therefore, the Committee has required these companies to agree in writing to reimburse the United States Government an amount, based upon each company's ownership share of the pipeline, equal to the percentage that each such share represents of the amount of funds made available by this Act or subsequent Acts to the Colombian Armed Forces for purposes of protecting the pipeline.

The Committee is aware that the majority of people living in Arauca department, where the pipeline is located, remain impoverished, despite the extraction of oil worth billions of dollars from that area. The Committee believes that, if U.S. assistance is provided to the Colombian Armed Forces to protect the Cano Limon pipeline, the Secretary of State should ensure that an appropriate amount of the Government's oil revenues from the pipeline will be made available to improve the lives of the people of Arauca, and that a transparent mechanism exists to effectively monitor such funds.

The Committee notes that the administration proposes to provide funds appropriated by this paragraph to Nepal to support the government's campaign against a ruthless Maoist insurgency. The Committee is not aware of any information tying this insurgency to al Qaeda, but shares the administration's concern for the security and welfare of the Nepalese people. The Committee strongly condemns the atrocities committed by the Maoist guerrillas, and remains concerned about human rights violations by the Nepalese Armed Forces.

#### PEACEKEEPING OPERATIONS

2002 appropriation to date .....	\$135,000,000
2002 supplemental estimate .....	28,000,000
Committee recommendation .....	20,000,000

The Committee has provided \$20,000,000 for a U.S. contribution to a multilateral fund for payment of military salaries in Afghanistan.



## MULTILATERAL ECONOMIC ASSISTANCE

## FUNDS APPROPRIATED TO THE PRESIDENT

## INTERNATIONAL FINANCIAL INSTITUTIONS

2002 appropriation to date .....	\$1,174,796,000
2002 supplemental estimate .....	– 157,000,000
Committee recommendation .....	– 159,000,000

The Committee has rescinded \$159,000,000 of the funds provided in Public Law 92–301 and Public Law 93–142 for maintenance of value payments to international financial institutions, as requested by the President. The Committee understands that there is no longer a need for these funds for the purpose for which they were originally appropriated.

## GENERAL PROVISIONS, THIS CHAPTER

## VOLUNTARY FAMILY PLANNING ASSISTANCE

SEC. 601. The Committee has provided for the obligation and disbursement of funds previously appropriated in Public Law 107–115 for the United Nations Population Fund, by not later than July 10, 2002, unless otherwise prohibited by law. The Committee notes that in Public Law 107–115 and the accompanying Joint Explanatory Statement of the Committee of Conference, the Congress appropriated \$34,000,000 for the United Nations Population Fund in fiscal year 2002. The Committee intends these funds to be obligated and disbursed expeditiously, absent proof that the United Nations Population Fund knowingly supports or participates in the management of a program of coercive abortion or involuntary sterilization.

## ELIGIBILITY CONDITIONS

SEC. 602. The Committee notes that President Bush, other administration officials, and Members of Congress, have called for tying foreign assistance to countries' performance in areas of governance, sound economic policies, and investments in health and education. The Committee agrees that, absent a demonstrated commitment in these areas, assistance to governments may be squandered. The Committee also notes that many of the world's neediest people are suffering because their governments are autocratic and corrupt. The Committee has included a provision which directs the Secretary of State to take into account, prior to providing assistance to a government with funds appropriated by this chapter, whether the government has established, or is making substantial progress in establishing, certain policies and practices relating to democracy, economic development, and combating poverty. The Committee requests the Secretary of State to submit a report, 6 months after enactment of this Act describing (1) the extent to which progress, or lack of progress, in these areas was taken into account, and (2) progress by governments receiving assistance appropriated by this chapter toward establishing such policies and practices.

## COLOMBIA

SEC. 603. Under current law, U.S. assistance to the Colombian Armed Forces and National Police is limited to counter-drug activities. The Committee has broadened current authority to permit the use of U.S. equipment, and U.S.-trained counter-drug battalions, to support the Colombian Government's unified campaign against narcotics trafficking and terrorist organizations in that country. The Committee has ensured that the human rights conditions in Public Law 107-115 apply to assistance for Colombia in this Act, including the numerical limitations on the number of U.S. military personnel and U.S. individual civilian contractors in Colombia, and has included additional conditions on the exercise of the new counter-terrorism authority. Those conditions include a commitment by the newly inaugurated President of Colombia to implement significant budgetary and personnel reforms of the Colombian Armed Forces, and to expend substantial additional Colombian financial and other resources to restore government authority and respect for human rights in areas under the effective control of paramilitary and guerrilla organizations. The Committee intends that the reforms and additional resources will result in a better educated, higher paid, professionally trained military which respects human rights.

The Committee is concerned that the administration has inadequately articulated clear objectives of U.S. policy in Colombia, or what actions would be required and what it would cost to achieve those objectives. Therefore, the Committee requests the Secretary of State, in consultation with the Secretary of Defense, to submit a report to the appropriate congressional committees, prior to exercising the authority to use Andean Counterdrug Initiative funds for counter-terrorism purposes, describing in detail—

(1) the President's policy toward Colombia; the objectives of that policy; the actions required by and the expected financial cost to the United States, Colombia, and any other country or entity to achieve those objectives; and the expected time schedule for achieving those objectives;

(2) specific benchmarks for measuring progress toward achieving the objectives of the President's policy;

(3) the expected reduction, if any, in the amount of cocaine and heroin entering the United States as a result of the President's Andean Counterdrug Initiative within the expected time schedule; and

(4) the mission and objectives of United States Armed Forces personnel and civilian contractors employed by the United States in connection with such assistance, and the threats to their safety in Colombia.

## (RESCISSION)

SEC. 604. The Committee has included a \$50,000,000 rescission in prior year appropriations for the Export-Import Bank of the United States that are available for tied-aid grants, and \$25,000,000 in prior year "Economic Support Fund" assistance.

## CHAPTER 7

## SUBCOMMITTEE ON INTERIOR AND RELATED AGENCIES

## DEPARTMENT OF THE INTERIOR

## UNITED STATES FISH AND WILDLIFE SERVICE

## RESOURCE MANAGEMENT

2002 appropriation to date .....	\$850,597,000
2002 supplemental estimate .....	
Committee recommendation .....	412,000

The Committee recommends \$412,000 for Resource Management for homeland security activities undertaken by the Fish and Wildlife Service. The Committee understands that the Fish and Wildlife Service has spent \$1,136,000 on homeland security efforts to date. Of that amount, the Service is seeking reimbursement of \$200,000 from the Federal Aviation Administration for expenses related to sky marshal deployment. Additionally, the Committee is providing \$524,000 through Departmental Management for security duties performed by Fish and Wildlife Service employees at the Main Interior Building. Consequently, the remaining \$412,000 is made available directly to the Fish and Wildlife Service through resource management for continuity of operations and for airport security details.

## CONSTRUCTION

2002 appropriation to date .....	\$55,543,000
2002 supplemental estimate .....	
Committee recommendation .....	3,125,000

The Committee recommends \$3,125,000 for homeland security-related construction needs. Of the funds provided, \$1,700,000 is for priority general safety upgrades identified by the Fish and Wildlife Service, \$660,000 is for dam safety measures, and \$765,000 is for security needs at the Clark R. Bavin National Fish and Wildlife Forensics Laboratory.

## NATIONAL PARK SERVICE

## CONSTRUCTION

2002 appropriation to date .....	\$387,668,000
2002 supplemental estimate .....	
Committee recommendation .....	17,651,000

The Committee recommends \$17,651,000 for National Park Service construction. These funds are intended to enhance security at the Washington Monument and the Jefferson Memorial, two of the Nation's most notable landmarks. Both of these important national treasures have been found in an independent study to be extremely vulnerable to terrorist attack. Of the funds made available, \$12,980,000 is for the installation of an in-ground retaining wall around the Washington Monument, and \$4,671,000 is for the installation of bollards around the Jefferson Memorial. The Committee urges the National Park Service to expedite this work to the maximum extent possible.

UNITED STATES GEOLOGICAL SURVEY  
SURVEYS, INVESTIGATION, AND RESEARCH

2002 appropriation to date .....	\$914,002,000
2002 supplemental estimate .....	
Committee recommendation .....	26,776,000

The Committee recommends an additional amount of \$26,776,000 for surveys, investigations, and research of the United States Geological Survey (USGS). Of this total, \$20,000,000 is provided to the Survey for high resolution mapping and imagery of the Nation's most strategic cities and \$6,776,000 is provided to the Earth Resources Observation Systems Data Center (EDC) to initiate two critical projects. Of the amounts provided to EDC, \$6,000,000 is designated for storage infrastructure upgrades to convert all archived data on outdated types of media to disk-based storage, and \$776,000 is provided for an improved backup power supply system that will ensure the uninterrupted delivery of satellite data.

BUREAU OF INDIAN AFFAIRS  
OPERATION OF INDIAN PROGRAMS  
(RESCISSION)

2002 appropriation to date .....	\$1,799,809,000
2002 supplemental estimate .....	- 10,000,000
Committee recommendation .....	- 10,000,000

The Committee recommends the rescission of \$10,000,000 provided in the fiscal year 2001 Supplemental Appropriations Act for activities at the San Carlos Irrigation Project. These funds were originally made available during the California energy crisis and are no longer needed.

DEPARTMENTAL OFFICES  
DEPARTMENTAL MANAGEMENT  
SALARIES AND EXPENSES

2002 appropriation to date .....	\$69,946,000
2002 supplemental estimate .....	
Committee recommendation .....	7,030,000

The Committee recommends \$7,030,000 for security enhancements and other security related costs. Of that amount, the Committee has provided \$2,900,000 for upgrades to the current employee security access control system, procurement and installation of a building-wide public address system, and the installation of protective window film at the Main Interior Building complex. The Committee has also provided \$3,117,000 for the repayment of law enforcement costs associated with security detail assignments at the Main Interior Building. The Committee anticipates that this \$3,117,000 will be allocated as follows: \$161,000 to the Bureau of Indian Affairs, \$786,000 to the Bureau of Land Management, \$626,000 to the Fish and Wildlife Service, \$1,401,000 to the National Park Service, and \$143,000 to the Office of the Secretary. Finally, the Committee has provided \$1,013,000 for the establish-

ment of various homeland security planning and coordination positions at both the department and bureau level.

## RELATED AGENCY

### DEPARTMENT OF AGRICULTURE

#### FOREST SERVICE

##### CAPITAL IMPROVEMENT AND MAINTENANCE

2002 appropriation to date .....	\$546,188,000
2002 supplemental estimate .....	
Committee recommendation .....	3,500,000

The Committee is concerned that aircraft used for fire suppression are especially vulnerable to terrorism, vandalism and theft, and therefore recommends \$3,500,000 for enhancement of facilities to protect these aircraft and related support equipment.

## OTHER RELATED AGENCY

### SMITHSONIAN INSTITUTION

#### CONSTRUCTION

2002 appropriation to date .....	\$30,000,000
2002 supplemental estimate .....	
Committee recommendation .....	2,000,000

The Committee recommends an amount of \$2,000,000 within construction to initiate the planning and design of an alcohol collections storage facility. The Smithsonian holds the largest collection of this kind in the world and, at present, a large portion of it is stored in the National Museum of Natural History. The Institution has requested this amount in the fiscal year 2003 budget estimate and indicated that it is the most important safety and security project. Given this information, the Committee has advanced the appropriation of funds required to begin planning and design in order to accelerate the project.

## GENERAL PROVISIONS, THIS CHAPTER

SEC. 701. Grants to the Minerals Management Service the necessary authority to recover certain transportation and administrative costs associated with filling the Strategic Petroleum Reserve. Funds previously reprogrammed for this purpose may instead be used to cover the agency's costs resulting from the shutdown of internet service at the Department of the Interior.

SEC. 702. Provides the Secretary of Agriculture and the Secretary of the Interior the authority to enter into reciprocal agreements with foreign nations concerning the personal liability of firefighters. Under existing law, foreign firefighters, unlike their American counterparts, are subject to personal liability for their actions while fighting fires on behalf of the United States. This section remedies this problem by extending the protection of the Federal Tort Claims Act to these foreign firefighters. Any foreign country with which the Secretaries negotiate such an agreement must extend

similar liability protection to American firefighters who may be called to fight fire in those countries.

## CHAPTER 8

### SUBCOMMITTEE ON LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES

#### DEPARTMENT OF LABOR

##### EMPLOYMENT AND TRAINING ADMINISTRATION

##### TRAINING AND EMPLOYMENT SERVICES

2002 appropriation to date .....	\$5,662,334,000
2002 supplemental estimate .....	750,000,000
Committee recommendation .....	400,000,000

The Committee recommends \$400,000,000, in contingent emergency funding, to assist dislocated workers, which is \$350,000,000 below the supplemental request. The recommendation includes \$200,000,000 for national emergency grants and demonstration and pilot projects, \$80,000,000 for State formula grants, \$110,000,000 to reverse the rescission of State formula grant funds enacted last year, and \$10,000,000 for transfer to the Commerce Department for activities of the Economic Development Administration. Of the \$10,000,000 included for the Economic Development Administration, \$8,300,000 is for public works investments, and \$1,700,000 is for planning investments. The recommendation compares to the budget request of \$550,000,000 for national emergency grants, up to \$50,000,000 for demonstration and pilot projects, \$110,000,000 to reverse last year's rescission, and \$40,000,000 for economic development assistance through the Department of Commerce.

This supplemental recognizes that an estimated 2.2 million persons have lost their jobs during the past year. Since September 2001, the number of unemployed has risen from 7.1 million to 8.4 million. Even as the economy improves, experience indicates that the impact of job losses linger far after the end of a recession, making job training services a vital component of sustained economic recovery.

The recommendation includes a provision giving Governors authority to consider the level of local area unspent funds in determining allocation of the additional funding recommended for State formula grants.

Of the funds recommended for national emergency grants, the Secretary is urged to give priority consideration to States that suffer significant reductions in funds as a result of program year 2002 formula changes. The Committee also urges the Secretary to give priority consideration to States that have low unexpended balances of previously appropriated funds.

Due to budgetary constraints, the Committee has not specifically earmarked funds for multi-state and multi-service projects as requested by the administration. However, to the extent possible within the total amount recommended, the Committee encourages funding of projects that would target high-growth sectors of the economy where worker shortages exist, including all educational levels of nurses, and involve partnerships among business, the

State workforce investment system, the Department of Labor, and high quality training providers, including community colleges.

The Committee notes that young adults, age 16 to 24, have been disproportionately affected by the decline in total employment over the past year. Therefore, the Committee strongly urges that special attention be given to the employment needs of young adult dislocated workers in utilizing the additional funding recommended for dislocated worker assistance.

The Committee directs the Department to award the grant for the New Mexico Telecommunications Call Center Training Consortium that was provided in the Consolidated Appropriations Act, 2001 by June 30, 2002.

#### OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

##### SALARIES AND EXPENSES

The Committee is disturbed that the Occupational Safety and Health Administration has failed to follow the direction set forth in the Committee Report—Departments of Labor, Health and Human Services, and Education and Related Agencies Appropriations Bill, 2002 (Senate Report 107–84) to restore funding for existing Institutional Competency Building training grants and instead has indicated that it intends to use the appropriated funds to fund a new round of 1 year transitional institutional competency building grants. The Committee directs the agency to use the funds as appropriated for fiscal year 2002 to restore the 25 percent cut made in September 2001 in the Institutional Competency Building training grants and to fund a third year of program activities for all those existing grantees that have performed satisfactorily. In addition, the Committee directs the agency to extend the funding for targeted training grants awarded in September 2001 for another year for all those existing grantees included in that round of grants who have performed satisfactorily.

#### DEPARTMENT OF HEALTH AND HUMAN SERVICES

##### HEALTH RESOURCES AND SERVICES ADMINISTRATION

##### HEALTH RESOURCES AND SERVICES

2002 appropriation to date .....	\$309,600,000
2002 supplemental estimate (rescission) .....	– 20,000,000
Committee recommendation .....	

The Committee does not approve the request to cancel \$20,000,000 of the \$105,000,000 appropriated for the Community Access Program in fiscal year 2002. Instead, the Committee recommends a General Provision, reducing administrative expenses on a pro rata basis.

The Committee has inserted reference to title IV of the Public Health Service Act to authorize the Health Resources and Services Administration (HRSA) to carry out Section 417C of the Public Health Service Act (42 U.S.C. 285a–9). Funds appropriated in Public Law 107–116 are to be used for grants for education, prevention, and early detection of radiogenic cancers and diseases, of which \$1,000,000 shall be available to enter into a cooperative agreement

with the National Research Council under which the Council shall: (1) provide technical assistance to HRSA and its grantees on improving accessibility and quality of services and (2) report to HRSA on the most recent scientific information related to radiation exposure and associated cancers or other diseases, with recommendations for improving services for exposed persons.

The Committee recommends the following technical corrections for projects previously outlined in House Report 107-342.

—Transfer \$315,000 from the health facilities construction and renovation account to the rural health outreach grant program. These previously appropriated funds support the Children's Health Fund.

—Transfer \$2,000,000 from the rural health research grant program to the health facilities construction and renovation account. These previously appropriated funds support the Raleigh County, West Virginia County Commission for an educational mall to serve as a coordinating and research location for rural health initiatives, especially in preventive medicine.

—Transfer \$2,000,000 from the Telehealth grant program to the health facilities construction and renovation account. These previously appropriated funds support the University of South Dakota School of Medicine.

—Transfer \$330,000 from the health facilities construction and renovation account to the rural health outreach grant program. These previously appropriated funds support the University of Northern Colorado Low-Incidence Disabilities Center.

The Committee clarifies that the awardee for the National Center for Health Care Informatics is St. James Health Care rather than the University of Montana.

The Committee also clarifies that the awardee for the Center for Delta Health project is Mississippi State University.

## CENTERS FOR DISEASE CONTROL AND PREVENTION

### DISEASE CONTROL, RESEARCH, AND TRAINING

2002 appropriation to date .....	\$4,305,151,000
2002 supplemental estimate .....	
Committee recommendation .....	315,000,000

The Committee recommends an additional \$315,000,000 for the Centers for Disease Control and Prevention. The administration did not request a supplemental appropriation for CDC. Included in this amount is \$28,000,000 for construction and rehabilitation of facilities in Atlanta related to bioterrorism. These funds are included in the administration's fiscal year 2003 budget request. The Committee recommends \$37,000,000 to improve security, including information technology security. The Committee's recommendation also includes \$250,000,000 to accelerate the planning, design and construction of new facilities in Atlanta, as well as the repair and renovation of existing facilities at CDC. This is \$186,000,000 above the fiscal year 2003 budget request.

The Committee believes that CDC, as the primary agency responsible for public health, must have adequate facilities and equipment in order to respond effectively to bioterrorism and other disease outbreaks. Last fall's anthrax attacks demonstrated



the vulnerability of our Nation's public health system to biological terrorism and also highlighted the need for additional resources at the Federal level. For example, the Committee understands that CDC analyzed over 10,000 anthrax-related specimens, which placed a severe strain on its inadequate and outdated facilities. At one point testing on anthrax samples was delayed for 15 hours because of severe electrical problems. Should a larger public health emergency occur, CDC would be overwhelmed and more than likely unable to respond. For this reason the Committee believes these additional funds are needed immediately to ensure that CDC facilities are secure and are equipped to handle the most deadly and infectious pathogens.

#### NATIONAL INSTITUTES OF HEALTH

##### BUILDINGS AND FACILITIES

###### (INCLUDING RESCISSION)

2002 appropriation to date .....	\$309,600,000
2002 supplemental estimate (rescission) .....	- 30,000,000
Committee recommendation (including rescission) .....	42,000,000

The Committee recommends a rescission of \$30,000,000 from the buildings and facilities account. The budget request proposed that \$30,000,000 be cancelled by postponement of several unspecified NIH construction projects. The Committee recommendations specifically rescinds \$9,300,000 from safety and regulatory compliance and repairs and improvements and also rescinds \$20,700,000 from the Phase I renovation of Building 10 on the NIH campus.

The Committee is aware of an approximate \$145,000,000 cost overrun to the NIH Clinical Research Center (CRC). There will also be a delay of approximately 1 year in completing the facility. The Committee expects a report within 30 days on how the Department of Health and Human Services intends to finance the cost increase. The Committee also understands that the HHS Inspector General is reviewing the project.

The Committee recommends an additional \$72,000,000 for Buildings and Facilities. The administration did not request a supplemental appropriation for this account. These funds, which are for security improvements at the NIH campus, were included in the administration's fiscal year 2003 budget request. The Committee believes these funds are needed in fiscal year 2002 to ensure that NIH has the secure facilities necessary to conduct research that could lead to new vaccines and therapies for use in a possible bioterrorism attack.

#### OFFICE OF THE SECRETARY

##### PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

2002 appropriation to date .....	\$2,887,263,000
2002 supplemental estimate .....	
Committee recommendation .....	90,000,000

The Committee has included \$90,000,000 for the Centers for Disease Control and Prevention for the protection, monitoring, and study of the health of emergency services personnel and rescue and

recovery personnel exposed to environmental contaminants in the wake of the terrorist attacks of September 11, 2001, at the World Trade Center in New York City. The administration did not request a supplemental appropriation for this account. Such efforts shall build and expand upon efforts initiated post-9/11, and shall be conducted in coordination with the State of New York, the City of New York, and affected labor organizations. These efforts shall include communication and outreach to, baseline health monitoring of, and long-term health monitoring and study (including scientifically sound epidemiological studies) of individuals involved in rescue and response efforts. In addition, mechanisms should be in place to refer personnel to appropriate health services and to determine their eligibility for health coverage. No less than \$25,000,000 of such funds shall be made available for such activities for both active and retired New York City firefighters that responded to the terrorist attacks of September 11, 2001, at the World Trade Center.

## DEPARTMENT OF EDUCATION

### SCHOOL IMPROVEMENT PROGRAMS

The Committee has included a technical amendment which provides funds to the Digital Educational Programming Grants component of the Reach-to-Teach program.

The Committee recommendation includes bill language to clarify the total amount of the funding available under this heading in Public Law 107–116 for the Fund for the Improvement of Education. The recommendation also includes bill language to clarify the amount of funding available for Cooperative Education Exchange Programs, authorized under section 2345 of part D of title V.

The Committee recommendation includes bill language that makes technical corrections to projects specified in the statement of the managers on the conference report accompanying the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2002.

### STUDENT FINANCIAL ASSISTANCE

2002 appropriation to date .....	\$12,285,500,000
2002 supplemental estimate .....	1,276,000,000
Committee recommendation .....	1,000,000,000

The Committee recommendation includes an additional \$1,000,000,000 for the Pell Grant program to address an accounting shortfall in the program. These funds are recommended to address the situation that was created last year when more students applied for and received Pell Grants than was originally estimated because more individuals chose school over the labor market as the economy worsened and the effects of the attacks of September 11 were fully realized. The Committee has included bill language making this funding subject to the emergency requirements of section 251 of the Balanced Budget and Emergency Deficit Control Act. The administration proposed cutting up to \$800,000,000 in education programs enacted as part of the No Child Left Behind Act (Public Law 107–110), as well as other important labor, health and

education programs to pay for its \$1,276,000,000 Pell supplemental.

The Committee's strong support of the Pell Grant program is very clear and is reflected in last year's record funding increase of \$1,558,000,000 and new record Pell Grant maximum award of \$4,000. The funding increase was \$558,000,000 more than requested by the administration and these additional funds supported an increase in the maximum grant to \$4,000 in the 2002–2003 academic year. The Committee increased the maximum award by \$250 over the current academic year, which was \$150 more than proposed by the administration. Further, the Committee has increased the maximum Pell Grant award from \$3,300, with enactment of the Department of Education Appropriations Act, 2000, to \$4,000 last year. In addition, in fiscal year 2002 the Committee eliminated the authority to reduce Pell grant awards of students in case a shortfall existed in the program. The Committee's action ensures that all eligible students will receive their full Pell Grant award amounts as calculated under the Higher Education Act of 1965.

The Committee is concerned about statements issued by the Department of Education that indicate low and middle income students could have their Pell Grant awards reduced or eliminated. The Committee notes that in 1999–2000 more than 80 percent of Pell Grant recipients had incomes less than or equal to \$30,000. The Committee recommends that the Department of Education review their statements related to this subject and take appropriate action so that students will be assured that Pell Grant aid will be available and will not be reduced.

The Committee notes that in the current 2001–2002 academic year a shortfall of more than \$1,000,000,000 is being run in the program without any effect on student grant awards. The funding and student award levels for the current academic year were set by the Department of Education Appropriations Act, 2001, which was enacted in December of 2000. The estimates of the number of students eligible under the program and the Pell Grant award amounts they were likely to receive did not anticipate the slow economy last year and the attacks of September 11. These factors contributed to significantly higher costs for the Pell Grant program and the resultant program shortfall. The Committee is aware that the financing method of the program itself leads to shortfalls or surpluses existing in the program every year, as estimates of the number of students eligible and their award amounts inevitably lead to overestimates or underestimates of program costs. In 6 of the past 12 years shortfalls have existed in the Pell Grant program.

#### HIGHER EDUCATION

The Committee recommendation includes bill language making technical corrections to several projects funded in the Fund for the Improvement of Post Secondary Education.

## EDUCATION RESEARCH, STATISTICS, AND ASSESSMENT

The Committee has included bill language which extends for 1 additional year the contract for the Eisenhower National Clearinghouse for Mathematics and Science Education.

## RELATED AGENCY

## SOCIAL SECURITY ADMINISTRATION

## LIMITATION ON ADMINISTRATIVE EXPENSES

The Committee is very concerned by a recent report of the Social Security Inspector General which revealed that 1 in 12 foreign persons receiving new Social Security numbers last year did so using fake documents. The report estimated that 100,000 Social Security numbers were wrongly issued to noncitizens in 2000. In addition, the Committee is aware that some of the September 11th hijackers had opened bank accounts and gotten credit cards with falsely obtained Social Security numbers. The Committee directs the Social Security Administration to work together with the Immigration and Naturalization Service to find promptly an effective and appropriate means of verifying foreign credentials to stem this disturbing trend.

## GENERAL PROVISIONS, THIS CHAPTER

SEC. 801. The Committee has included bill language regarding impact aid that modifies the number of students required in a portion of the payment formula for heavily impacted districts. All districts that received funding under this portion of the payment formula in fiscal year 2001 would continue to receive it in fiscal year 2002, and no districts would be dropped.

SEC. 802. The Committee has included bill language on the impact aid program that modifies the provision on determining a district's local contribution rate (LCR). The change prevents dramatic, 1-year decreases in LCRs in those States that compute their rates on the basis of comparable districts' LCRs.

SEC. 803. The Committee recommendation includes a pro rata reduction of \$45,000,000 in administrative expenses for the Department of Labor, the Department of Health and Human Services, and the Department of Education, instead of the amounts proposed for rescission from the National Institutes of Health and the Health Resources and Services Administration. Bill language specifies that this reduction shall not apply to the Food and Drug Administration and the Indian Health Service, since these agencies are not funded in the Labor-HHS-Education appropriations bill. The Committee expects that the Office of Management and Budget will determine the precise reductions for each operating division within the Department of Health and Human Services.

SEC. 804. The Committee has included a technical provision for the grant program for workplace and community transition training for incarcerated youth offenders.

SEC. 805. The Committee has included bill language to identify the "National Research Service Awards" program as the "Ruth L. Kirschstein National Research Service Awards" program. This ac-

tion is being taken, at the bi-partisan recommendation of Members of both the House of Representatives and the Senate, to honor the career of Dr. Ruth L. Kirschstein. A native of Brooklyn, New York, Dr. Kirschstein received a B.A. degree magna cum laude in 1947 from Long Island University. Ruth was married on June 11, 1950, to Alan Rabson. Dr. Rabson is currently the Deputy Director of the National Cancer Institute. In 1951, she received her M.D. from Tulane University School of Medicine. She interned in medicine and surgery at Kings County Hospital, Brooklyn, and performed residencies in pathology at Providence Hospital, Detroit; Tulane University School of Medicine; and the Warren G. Magnuson Clinical Center.

From 1957 to 1972, Dr. Kirschstein performed research in experimental pathology at the Division of Biologics Standards (now the Center for Biologics Evaluation and Research, Food and Drug Administration). During that time, she helped develop and refine tests to assure the safety of viral vaccines for such diseases as polio, measles, and rubella. Her work on polio led to the selection of the Sabin vaccine for public use.

Since 1974, Dr. Kirschstein has been serving in leadership positions at the National Institutes of Health (NIH). When she first began her service to NIH, she served as Director of the National Institute of General Medical Sciences. She held this position for 14 years. From 1990 to 1991, Dr. Kirschstein also served as Acting Associate Director of the NIH on research on women's health.

Dr. Kirschstein served as Acting Director of the National Institutes of Health between January 2000 and May 2002. Prior to that post, Dr. Kirschstein served as the Deputy Director between 1993 and 1999.

Dr. Kirschstein has received many honors and awards, including the Presidential Meritorious Executive Rank Award, 1980; election to the Institute of Medicine, 1982; the Public Health Service Equal Opportunity Achievement Award, 1983; a doctor of science degree from Mt. Sinai School of Medicine, 1984; the PHS Special Recognition Award, 1985; the Presidential Distinguished Executive Rank Award, 1983; an honorary doctor of laws degree from Atlanta University, 1985; an honorary doctor of science degree from the Medical College of Ohio, 1986; the Harvey Wiley FDA Commissioner's Special Citation, 1987; selection by the Office of Personnel Management as 1 of 10 outstanding executives and organizations for its first group of "Profiles in Excellence," 1989; the Dr. Nathan Davis Award from the AMA, 1990; an honorary doctor of humane letters from Long Island University, 1991; election as a fellow of the American Academy of Arts and Sciences, 1992; and the Public Service Award from the Federation of American Societies for Experimental Biology in 1993.

In 2000, Dr. Kirschstein received the Albert B. Sabin Heroes of Science Award from the Americans for Medical Progress Education Foundation. In the following year, she received honorary degrees from Spelman College and from Georgetown University Medical School. She also received the AAMC Women in Medicine Program's "History Maker Award" and was recognized by the Anti-Defamation League, which bestowed her with the Women of Achievement Award. In 2002, Dr. Kirschstein received the Ad-Hoc Group for

Medical Research Funding “Special Recognition Award,” as well as the H. Richard Nesson, M.D. Award from Harvard Medical School.

Dr. Kirschstein has been both a visionary and a leader during her service at NIH and has helped to make it the world’s premier biomedical research agency. In particular, Dr. Kirschstein led the cutting edge of two of the most important research trends of this generation. She played a pivotal role in launching the Human Genome Project. She is also credited with providing early and crucial support to women’s health research, developing a central inventory of women’s health studies, services and programs for the NIH and pioneering the NIH Office of Women’s Health Research.

While serving as Acting Director of NIH, Dr. Kirschstein has worked with Congress to achieve a doubling of the NIH budget. Through her leadership, commitment, contributions and unselfish service to the biomedical research community and NIH, Dr. Kirschstein continues to serve her Nation. The Committee believes the naming of the National Research Service Awards as the Ruth L. Kirschstein National Research Service Awards is a fitting tribute to her outstanding service to this country.

SEC. 806. The Committee has included bill language which clarifies how the State of Alaska would make payments under the Federal Unemployment Tax Act.

## CHAPTER 9

### SUBCOMMITTEE ON THE LEGISLATIVE BRANCH

#### LEGISLATIVE BRANCH

#### JOINT ITEMS

#### CAPITOL POLICE BOARD

#### CAPITOL POLICE

#### GENERAL EXPENSES

2002 appropriation to date .....	\$13,146,000
2002 supplemental estimate .....	7,000,000
Committee recommendation .....	3,600,000

The Committee recommends \$3,600,000 for general expenses of the U.S. Capitol Police. These funds are needed for unanticipated expenses associated with the increased security posture.

#### GOVERNMENT PRINTING OFFICE

#### CONGRESSIONAL PRINTING AND BINDING

2002 appropriation to date .....	\$81,000,000
2002 supplemental estimate .....	5,875,000
Committee recommendation .....	

The Committee has not recommended funds for congressional printing and binding to replenish a prior-year shortfall. The Government Printing Office has requested funds for this requirement in the fiscal year 2003 budget, and the Committee intends to address the need in the regular fiscal year 2003 appropriation as this is not an emergency.

## GOVERNMENT PRINTING OFFICE REVOLVING FUND

2002 appropriation to date .....	\$4,000,000
2002 supplemental estimate .....	2,000,000
Committee recommendation .....	

The Committee has not recommended funds for asbestos abatement in Government Printing Office buildings. The Government Printing Office has requested funds for this requirement in the fiscal year 2003 budget, and the Committee intends to address the need for asbestos abatement in the regular fiscal year 2003 appropriation.

## LIBRARY OF CONGRESS

## COPYRIGHT OFFICE

## SALARIES AND EXPENSES

2002 appropriation to date .....	\$40,896,000
2002 supplemental estimate .....	7,500,000
Committee recommendation .....	7,500,000

The Committee recommends \$7,500,000 for the Copyright Office, salaries and expenses, as requested. These funds are needed due to the security-related suspension of delivery of U.S. Postal Service mail to the Library of Congress which has resulted in decreased receipts for the Copyright Office. Two-thirds of the Copyright Office's budget is funded through fees and without an emergency appropriation, the Copyright Office would be unable to maintain operations and staff at the level needed for routine operations.

## GENERAL PROVISIONS, THIS CHAPTER

SEC. 901. The Committee has included an administrative provision authorizing an adjustment for fiscal year 2002 in the Senators Official Personnel and Office Expense Account of up to \$20,000 for each Senate office, for expenses directly related to the terrorist attacks of September 11, 2001 or the displacement of Senate offices owing to the discovery of anthrax in the Senate complex. Such an adjustment requires certification by the Senator to the Secretary of the Senate.

SECS. 902–903. Technical corrections are made to Public Law 107–117 relative to authorities provided to the U.S. Capitol Police to enhance recruitment and retention of officers, and other matters.

SEC. 904. Authorizes the Architect of the Capitol to procure space for an alternate computing facility for legislative branch offices, subject to the approval of the Senate Committee on Rules and Administration and House Office Buildings Commission.

## CHAPTER 10

## SUBCOMMITTEE ON TRANSPORTATION AND RELATED AGENCIES

## DEPARTMENT OF TRANSPORTATION

## OFFICE OF THE SECRETARY

## TRANSPORTATION ADMINISTRATIVE SERVICE CENTER

## (LIMITATION ON OBLIGATIONS)

2002 appropriation to date .....	(\$116,023,000)
2002 supplemental estimate .....	(128,123,000)
Committee recommendation .....	(128,123,000)

The Committee bill includes a general provision (section 1001) amending Public Law 107–117 to allow for an increase in the obligation limitation for the Transportation Administrative Service Center of \$12,100,000, consistent with the President’s budget request. The additional amount is expected to cover the increased security costs associated with centralized Department of Transportation functions. Such costs include the requirements for enhanced communications and information security, enhanced building security, improved ventilation protection and increased security protection for the Secretary.

*Simultaneous termination of visas and drivers licenses.*—The Committee notes that the administration’s Director for Homeland Security has publicly advocated a national policy change requiring that drivers licenses granted to temporary immigrants be terminated on the same date as their visas are terminated. The Committee believes that this recommendation has merit and directs the Secretary of Transportation to serve as a liaison between the State motor vehicle authorities and the Immigration and Naturalization Service so that this policy change can be implemented as soon as possible.

## TRANSPORTATION SECURITY ADMINISTRATION

2002 appropriation to date .....	\$1,250,000,000
2002 supplemental estimate .....	4,400,000,000
Committee recommendation .....	4,702,525,000

The Committee recommends increased resources for the Transportation Security Administration totaling \$4,702,525,000. The amount provided is \$302,525,000 more than the administration’s request. Adjustments to the administration’s request are as follows:

Enhance Resources For Port Security Grants .....	+\$200,000,000
Delete Funding For Criminal Investigators .....	– 15,420,000
Enhance Perimeter and Terminal Security .....	+ 35,000,000
Initiate Funding For Over-The-Road Bus Security .....	+ 20,000,000
Expedite Non-passenger Aviation Security Technology Development .....	+ 15,000,000
Expedite Deployment of Operation “Safe Commerce” .....	+ 27,945,000
Initiate incident training for ports .....	+ 20,000,000

*Customer Service Goals.*—The Secretary of Transportation, as well as the senior leadership of the Transportation Security Administration, has articulated their goal that no airline passenger will be required to wait longer than 10 minutes to pass through the



newly federalized security checkpoints at airports. In order to monitor the Transportation Security Administration's compliance with its stated goal, the Committee directs the agency to regularly publish monthly statistics regarding the agency's record of compliance with this goal. Specifically, the Committee directs the agency to publish on the agency's web site the monthly wait duration figures for each airport. These reports should cite the average passenger wait period at each airport, the wait period during pre-identified peak travel periods at each airport, and the number of hours during the month during which the wait period exceeded the agency's stated 10-minute goal. The Committee recognizes that compliance with the 10-minute goal will require a constant effort at identifying peak passenger demand and scheduling the work hours of TSA employees accordingly. The published monthly reports will allow the Committee, senior TSA managers, and the flying public to monitor the agency performance in this area.

*Privacy and Dignity of Airline Passengers.*—The Aviation and Transportation Security Act (ATSA), Public Law 107–71, requires that all checked baggage be screened for the possible presence of explosives no later than December 31, 2002. Recently, the administration dramatically restructured its plans for the deployment of explosive detection technologies, halving its planned deployment of explosive detection machines in favor of a massive deployment of explosive trace detection machines. Such trace detection machines were never initially designed to serve as the single determinant for the presence of explosives in checked baggage. The administration's decision to use trace detection machines for this purpose will require a substantial percentage of passenger bags to be opened and, sometimes, searched in order to achieve the same level of explosive detection capability as would be provided through the use of explosive detection machines.

The administration's planned explosive detection regime holds the potential to greatly compromise the privacy and dignity of air passengers, as Federal employees open and, in many instances, search their luggage. This will be especially true at the more than three quarters of the Nation's airports where trace detection will be the sole means used to detect explosives in checked baggage. As such, the Committee directs the Under Secretary of Transportation for Security to implement measures to ensure that no piece of luggage will be opened within the view of other passengers or any other individuals other than the minimum number of TSA employees that must be present for the explosive detection function. The Under Secretary is directed to make whatever investments are necessary with the funds provided to ensure compliance with this directive.

*Reliability of trace detection machines.*—The Committee notes that the Department of Transportation Inspector General has testified to the Congress that certain trace detection technologies have experienced significant operational and maintenance-related deficiencies in the field. Given the administration's decision to deploy thousands of trace detection machines for the purpose of detecting explosives in baggage, the Committee expects the TSA to be attentive to the long term historical performance of these technologies in making its procurement decisions. The Committee does not want

to face a near term requirement to replace these machines due to operational or maintenance-related problems.

*Criminal Investigators.*—The Committee has not included \$15,420,000 requested by the Transportation Security Administration for criminal investigators. The Committee has provided more funding for law enforcement officers than was requested by the administration as a result of the additional funds provided by the Committee for expanded perimeter and terminal security. The Committee believes, however, that the criminal investigation function is beyond the responsibilities granted to the agency by the Aviation and Transportation Security Act. Moreover, the Committee believes that the limited number of instances where criminal investigations may be necessary can be handled appropriately by local law enforcement agencies or, when necessary, the Federal Bureau of Investigation.

*Perimeter and terminal security.*—The Committee recommends an additional \$35,000,000 for expanded law enforcement presence to improve perimeter and terminal security. A recent investigation by the Department of Transportation's Inspector General indicates that there continues to be serious intrusions into the secure access points at airports. Just since April of 2002, 252 people have been arrested at 11 airports and 232 people have been indicted for providing false information on their Security Identification Area badge applications. In testimony before the Transportation Subcommittee, the Under Secretary for Transportation Security stated that the administration's supplemental budget request "will not allow us to do some of the perimeter airport security that we had planned." Similarly, the Secretary of Transportation testified that perimeter security as well as an enhanced law enforcement presence at airports would merit additional funding over and above the administration's request if such funding were to become available.

The Committee notes that section 106 of the Aviation and Transportation Security Act requires several measures to better protect the secure areas of airports from unauthorized intrusion. Even so, on May 15, 2002, it is anticipated that National Guard troops will no longer staff airport security checkpoints. Instead, they will be replaced by local law enforcement authorities paid for through reimbursable agreements with the Transportation Security Administration. At funding levels proposed in the administration's supplemental budget request, resources will be sufficient only to provide the required single law enforcement officer at each checkpoint.

In addition to the needs to better protect the secure areas at airports, the Committee is concerned with the lack of attention being directed at the non-secure areas at airports—especially airport terminals where there are absolutely no entry restrictions. As such, the Committee has provided an additional \$35,000,000 for an expanded law enforcement presence to better secure both the perimeter of secure areas as well as non-secure areas at airports. The Committee directs the Under Secretary to submit a report detailing his deployment plan for this initiative to the House and Senate Appropriations Committees prior to obligating funds. This deployment plan shall detail the number and pay grades of all additional law enforcement personnel to be hired and how they will be utilized.

This deployment plan may be submitted in classified format if necessary.

*Reconciliation of aviation security costs and responsibilities.*—The Committee is aware that there continues to be disagreements between the Transportation Security Administration and the Nation's air carriers as to who is responsible for the costs associated with certain continuing security functions. Examples of such areas of disagreement include the screening of caterers that serve aircraft and the employment of baggage runners that facilitate baggage screening. The Committee directs the Under Secretary for Transportation Security and the Department of Transportation General Counsel to jointly submit a report on this issue to both the House and Senate Committees on Appropriations no later than June 30, 2002. The report shall discuss in detail each area in dispute, the Department's legal position as to who is financially responsible for each function in question under the provisions of the Aviation and Transportation Security Act, and the status of compensation between the TSA and the air carriers for each of these functions. If the Department concedes that the air carriers have not been compensated for any functions that are legally the responsibility of the TSA, he shall identify whether the funds required to provide such compensation have been included within his budget request for fiscal year 2003. The Department is encouraged to work with the air carrier industry in identifying all potential areas of dispute for inclusion in this report.

*Port Security Grants.*—The Congress provided \$93,300,000 for port security grants as part of the Emergency Supplemental Appropriations Act, 2002—Public Law 107-117. This funding, which was not requested by the administration, will provide direct assistance to certain strategic ports or control ports which support the military and/or carry a high volume of cargo or passengers. The administration's solicitation for grant applications for this funding elicited requests totaling \$691,500,000 for 857 specific projects. In order to better fund the extraordinary demand in this area, the Committee recommends providing an additional \$200,000,000 for this initiative, bringing total program funding within fiscal year 2002 to \$293,300,000. In the interest of seeing these resources invested in security improvements as soon as possible, the Committee directs that the additional \$200,000,000 provided in this Act be distributed based on the merit-based assessment of the applications already submitted for the initial appropriation for this program. Since \$1,000,000 of the initial funding provided was committed to the administration of this program, no additional funds for administration are provided within this appropriation.

*Security of over-the-road bus operations.*—The Committee recommends \$20,000,000 for emergency over-the-road bus security assistance. The Committee acknowledges that there are over 3,600 over-the-road bus companies that operate in the United States and that the industry carries nearly 800 million passengers each year. Nearly 65 percent of the over-the-road bus industry is comprised of small businesses that operate fewer than 10 buses. These funds are to be made available to the Secretary of Transportation for direct grants to over-the-road bus providers for system-wide security upgrades such as establishing emergency communications and sur-

veillance systems, terminal modifications, employee background investigations and additional security training. None of these funds shall be used to reimburse bus operators for costs already incurred.

*Non-passenger aviation security technology development.*—The Committee recommends an appropriation of \$15,000,000 to expedite the development and demonstration of new technologies that will improve transportation security using cost effective means in areas other than air passenger transportation. Such areas might include improved screening of air cargo packages or shipping containers as well as technologies that enhance the security of hazardous materials traveling on the Nation's railways and highways. A series of hearings held by the Subcommittee on Transportation and Related Agencies revealed that transportation security technologies currently deployed in the field are outdated, inefficient, and offer limited security benefits in comparison to newer detection, communication, and information sharing technologies that are either under development or are ready for testing in the field. The Committee views this initiative as a companion to the \$75,000,000 appropriation that the Committee has provided separately to the TSA for the development of the next generation explosive detection machines and the other research into new technologies in the passenger aviation mode.

*Operation "Safe Commerce".*—The Committee has provided \$27,945,000 for the purpose of expediting the testing and deployment of Operation "Safe Commerce". This program is designed to address the security vulnerabilities posed by the more than 6 million intermodal containers that enter U.S. ports each year. Public Law 107-71, the Aviation and Transportation Security Act, vested the exclusive authority for security in all transportation modes in the Office of the Under Secretary of Transportation for Security. As such, the Committee expects the Under Secretary to support and coordinate all Federal elements of this initiative which may include:

- the establishment of secure packing requirements for loading intermodal containers using credible quality assurance methods;
- the development of auditable security standards for maintaining secure loading docks at manufacturing plants or shipping facilities;
- the outfitting of containers with mechanical and/or electronic seals and devices intended to identify containers whose security has been compromised;
- the establishment of integrated communication systems to track containers throughout the entirety of their journey;
- the transmission of that tracking data in accessible format to the appropriate Federal agencies;
- the demonstration of certain "secure trading lanes" that ensures maritime and intermodal container security from point of origin to point of destination; and
- the establishment of new requirements which will pertain to all participants in the supply chain to allow Federal agencies sufficient information on the contents of each container and its expected journey so that Federal officials can appropriately target their inspection resources.

The Committee expects the Under Secretary to accomplish these goals through discrete pilot projects involving the three largest container load centers in the United States, their domestic and overseas customers and port partners, and the shipping lines serving those ports. Funds provided shall be used for the letting of direct grants and contracts to private and public sector participants and the establishment of inter-agency agreements. The Under Secretary is directed to submit a distribution plan for the funds provided for this initiative to the House and Senate Appropriations Committees prior to obligating any funds. The Under Secretary should also be prepared to submit a comprehensive evaluation of each pilot project. In order for this initiative to be successful, the TSA's efforts will need to be carefully coordinated with those of the Customs Service, the U.S. Coast Guard, and other Federal agencies. The Under Secretary is strongly encouraged to work carefully with these and other agencies toward the successful deployment of this concept.

*Incident training for ports.*—The Committee recommends an appropriation of \$20,000,000 to develop and conduct incident management training and exercises to prepare port security personnel to respond to terrorist attacks and crises. This training initiative is meant to complement other funding that has been provided for improving the physical security at our Nation's ports. The Committee is aware of the need for incident management training exercises that integrate high resolution imagery and simulation to prepare responders and incident managers for the spectrum of potential terrorist actions. The Committee further encourages the Department to leverage the previous investment of other Federal agencies to expedite development of such training capabilities.

#### U.S. COAST GUARD

##### OPERATING EXPENSES

2002 appropriation to date .....	\$3,591,000,000
2002 supplemental estimate .....	189,000,000
Committee recommendation .....	318,400,000

In the immediate aftermath of September 11th, the Coast Guard embarked on a number of initiatives designed to enhance security of our port environment. The agency intends to greatly expand its level of effort in this area with resources requested in the President's budget for fiscal year 2003. Given the urgency that the Committee attaches to the rapid improvement in maritime security posture, the Committee is expediting the availability of these resources so that the Coast Guard can implement their expanded port security initiatives more rapidly. As such, the Committee provides a total of \$318,400,000 in supplemental resources for Coast Guard Operating Expenses. The amount provided is \$129,400,000 more than the administration's request in order to accelerate the following programs.

##### *Port Vulnerability Assessments.*—

“Vulnerability assessments are viewed as prerequisites for the development of plans and specific security measures. Currently these assessments are scheduled to take 5 years at a cost of \$30,000,000 to complete . . . I am frus-

trated by the fact that our port region, which has experienced two terrorist attacks in the last 10 years, is not scheduled to have a port assessment done until some time next year.”—Testimony of Rear Admiral (Ret.) Richard M. Larrabee, Director, Port Commerce Department, Port Authority of New York & New Jersey

The above quote, from the Director of the second largest container port in the United States, illustrates the need to expedite the completion of port vulnerability assessments across our Nation. Only after these assessments are completed can investments be made in the most strategic manner to minimize a port’s security vulnerabilities. The Committee finds that the Coast Guard’s plan to extend these assessments is unacceptable and, instead, directs them to expedite their completion.

*Maritime Domain Awareness.*—The Coast Guard has identified their Maritime Domain Awareness program as key to their ability to conduct their Homeland Security Mission. Part of that request includes the use of Secure Terminal Equipment, SIPRNET, Satellite communications, IMARSAT, and SATCOM. The Coast Guard presently does not have the secure communications capability that is interoperable with the Department of Defense and other Coast Guard units afloat and ashore readily available for the use of Captain’s of the Port. The Committee finds that this ability is essential for the Coast Guard to properly conduct its Port Security Mission and directs the Coast Guard to move forward on this initiative.

*Information and Communications.*—The Committee recommends that the Coast Guard expedite its collection of information and investigations. Given the sensitive nature of homeland security operations and an increased number of personnel that require security clearances, it is critical for the Coast Guard to implement an efficient investigative process to ensure they will have access to the sensitive port security information. Funding is also provided for Tactical Maritime Intelligence Centers to expand watch-standing and analytical capabilities to receive, fuse and disseminate information and intelligence on a tactical and operational level.

*Sea Marshals/Maritime Security Patrols.*—The Coast Guard currently has a number of critical security programs that are at stake, today, of being cut back based on the lack of operating funds. These include programs such as the Sea Marshal Program that currently provides armed personnel to assist in the safe entry of certain high risk vessels in 11 strategic ports, and operating expenses associated with an increase in Maritime Security Patrols. These patrols surged from 1,000 patrols in August, to 23,000 patrols in October. The Coast Guard should be highly commended for this level of effort. This funding is intended to allow the Coast Guard to continue to conduct the requisite number of Harbor Security Patrols and Sea Marshal Vessel Escorts.

*Security Readiness and Planning.*—Critical programs like Security Readiness and Planning are handicapped by the lack of dedicated personnel to conduct security planning. One of the keystones of the Coast Guard’s execution strategy for proper Homeland Security in the port environment is the Port Security Committee. Trained personnel are needed immediately to provide a dedicated

level of effort to serve the Coast Guard's interests while interfacing with the port community in the development of these plans.

*Strike Teams.*—The Coast Guard's Strike Teams have been called into action throughout the country to respond to Chemical, Biological, and Radiation Detection incidents. They assisted with the anthrax cleanup in the Senate and the air quality monitoring in New York City following the collapse of the World Trade Center Buildings. However, their experience in biological and especially nuclear attacks is very minimal. The Committee directs the Coast Guard to expand the current number of personnel assigned to these units and ensure they possess the necessary level of training and caliber of equipment to enhance the Strike Team's ability to better detect the presence of not only chemical, but also biological and nuclear agents.

*Maritime Safety and Security Teams.*—The Coast Guard is currently moving forward to establish four new Maritime Safety and Security Teams. However the Committee finds that this will not meet the needs of the Nation and directs the Coast Guard to expedite two additional deployable teams and 20 additional port security response boats with crews to increase the capabilities for Harbor Security Patrols and enforcement of designated Security Zones in strategic ports.

#### ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

2002 appropriation to date .....	\$636,000,000
2002 supplemental estimate .....	66,000,000
Committee recommendation .....	347,700,000

Coast Guard resources have been stretched and put to the test as they have sought to enhance the security of our Nation's port environment. Their vessels and aircraft have logged an unprecedented increase in hours as the Coast Guard surged the number of their Harbor Patrols and Commercial and Public Vessel Escorts. These assets must now be replenished and given the proper maintenance. As such, the Committee provides a total of \$347,700,000 in supplemental resources for Coast Guard Acquisition, Construction, and Improvements. The amount provided is \$281,700,000 more than the administration's request.

*Emergent Homeland Security Acquisitions.*—The Committee has provided additional funding, above the administration's request, to expedite the acquisition of several Homeland Security Projects. These projects are expected to include the necessary procurement and outfitting of critical surface and aviation assets, the improvement and relocation of vital shore facilities to support those assets, and the modernization of essential communication systems. Withing the amount provided, funding shall be used at a minimum for the following initiatives that the Committee believes are of an emergent nature in light of our Homeland Port Security Needs.

—*Homeland Security Response Boats (87 foot).*—The administration requested supplemental funding for four Port Security Boats to conduct high interest vessel boardings and escort operations. The Committee finds this number to be insufficient and has provided an additional \$12,000,000 for not less than six and no more than eight of these Homeland Security Response Boats.

- Ports and Waterways Safety Systems.*—The Committee has provided \$5,000,000 to facilitate the safe, secure, and timely flow of waterborne commerce.
- Defense Messaging System (DMS) Implementation.*—The Committee has provided \$2,100,000 to enable the Coast Guard to establish a messaging system that is interoperable with DoD.
- Global Maritime Distress and Safety System.*—The Committee has provided \$2,200,000 to significantly enhance the Coast Guard's long-haul, multi-mission communications system.
- Microwave Modernization Project.*—The Committee has provided \$3,000,000 for infrastructure upgrades necessary to ensure communications in rugged terrain.
- Rainbow Communications System.*—The Committee has provided \$3,000,000 to replace this problematic system and ensure radio communications for Search and Rescue and Port Security needs.
- High Frequency (HF) Recapitalization and Modernization.*—The Committee has provided \$2,000,000 to integrate telecommunications technology into the Coast Guard's multi-mission communications system.
- PWS Microwave Wide-Area Network.*—The Committee has provided \$1,000,000 for immediate replacement of existing microwave links to support increased marine operational requirements.
- Maritime Domain Awareness Information Management.*—The Committee has provided \$9,400,000 to provide enhanced information management, data collection, fusion, analysis, and dissemination capability.

The Committee does not find the administration's request for \$8,000,000 for shore infrastructure improvements to be pertinent to the Coast Guard's immediate homeland security needs. As such, the Committee has not provided funding for this line item.

#### FEDERAL AVIATION ADMINISTRATION

##### OPERATIONS

2002 appropriation to date .....	\$6,886,000,000
2002 supplemental estimate .....	<sup>1</sup> (100,000,000)
Committee recommendation .....	100,000,000

<sup>1</sup> Proposed to be transferred from the Facilities and Equipment and AIP programs.

The Committee has provided supplemental resources totaling \$100,000,000 for the operating expenses of the Federal Aviation Administration. These funds will reimburse the Agency for emergency expenses the agency has incurred since September 11th associated with improving the security of air traffic control facilities and other critical FAA facilities. With the funds provided for this reimbursement, the Committee expects that resources will be available for the personnel costs associated with the summer travel surge and costs associated with providing mobile towers and crews for special events during the summer months. The administration proposed that these necessary resources be transferred from fiscal year 2002 funds already appropriated for the FAA's Facilities and Equipment account and the Airport Improvement Program. The Committee cannot support this approach. Within fiscal year 2002,



the FAA Administrator will already be required to divert funding from other FAA procurements to cover recent cost overruns associated with the Standard Terminal Automation Replacement System (STARS). She will also have to identify other programmatic reductions in order to free up resources to cover the requirements of the Payments to Air Carriers (Essential Air Service) program and a rescission necessitated as part of the fiscal year 2002 appropriations process. Moreover, much of the funding provided for the Airport Improvement Program in fiscal year 2002 will go toward the costs of necessary security upgrades instead of urgently needed aviation safety and capacity projects. The Committee cannot support a proposal that will further undermine the availability of funding to improve the safety and capacity of the aviation system.

#### FACILITIES AND EQUIPMENT

##### (AIRPORT AND AIRWAY TRUST FUND)

2002 appropriation to date .....	\$2,899,000,000
2002 supplemental estimate .....	
Committee recommendation .....	15,000,000

The Committee recommends a supplemental appropriation of \$15,000,000 for the Federal Aviation Administration's Facilities and Equipment account. The amount provided shall be used solely to rehabilitate the FAA's inventory of ARSR-4 Long Range Radars. Prior to September 11th, the FAA had planned to decommission these radars during 2002. However, since these assets are the only FAA radars capable of continually tracking aircraft with disabled transponders, the Department of Defense has requested that the Federal Aviation Administration continue to operate these radars for several more years. The funding provided through this supplemental appropriation is necessary to rehabilitate and extend the service life of these radars.

#### GRANTS-IN-AID FOR AIRPORTS

##### (AIRPORT AND AIRWAY TRUST FUND)

2002 appropriation to date .....	\$3,475,000,000
2002 supplemental estimate .....	
Committee recommendation .....	100,000,000

In the first Supplemental Appropriations Act for fiscal year 2002 (Public Law 107-117), the Committee provided a total of \$175,000,000 to reimburse airports for the mandatory costs associated with Federal security directives issued by the Department of Transportation in the wake of September 11th. The Department's solicitation yielded requests totaling almost \$500,000,000 of which almost \$450,000,000 was for legitimate security costs. Consistent with the Committee's directives, the Department fully funded the requests of those small non-hub airports that were most in need of assistance and provided lesser percentages of support to larger airports. The Committee recommends an additional \$100,000,000 to better meet the overall needs of the small-, medium-, and large-hub airports. The Committee again directs that these resources be directed to those airports with the greatest financial need that has not yet been met. As such, the Committee expects these resources

to first be used to meet the unfunded costs of the small- and medium-hub airports with the remainder being used to better compensate large-hub airports.

#### FEDERAL HIGHWAY ADMINISTRATION

##### FEDERAL-AID HIGHWAYS

##### EMERGENCY RELIEF PROGRAM

##### (HIGHWAY TRUST FUND)

2002 appropriation to date .....	\$100,000,000
2002 supplemental estimate .....	167,000,000
Committee recommendation .....	167,000,000

Consistent with the administration's request, the Committee recommends additional resources for the Emergency Relief program totaling \$167,000,000. These resources will fully fund the restoration and reconstruction of those State and local roads damaged by the events of September 11 that are eligible for Federal-aid Highways funding. This will include the cost of design, engineering, and construction costs for streets surrounding the World Trade Center and the reconstruction of Route 9A in Manhattan. Consistent with provisions included in prior Emergency Supplemental Appropriations Acts, language is included which waives the local match for these funds and exempts these projects from the statutory cap of \$100,000,000.

##### FEDERAL-AID HIGHWAYS

##### (RESCISSION OF CONTRACT AUTHORIZATION)

2002 appropriation to date .....	\$35,066,090,325
2002 supplemental estimate .....	
Committee recommendation .....	-200,000,000

The Committee has recommended a rescission of contract authority totaling \$200,000,000 in order to keep the overall cost of the bill within necessary funding parameters. The amount rescinded represents roughly one-half of 1 percent of the total amount of contract authority apportioned for fiscal year 2002. It also represents roughly 1 percent of the unspent contract authority available to the States through 2001 in the five core formula highway programs. This rescission should in no way impede the ability of any State to invest Federal highway dollars since annual obligation limitations imposed by Appropriations Acts limit available spending to levels well below the total amount of contract authority apportioned.

#### FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

##### BORDER ENFORCEMENT PROGRAM

2002 appropriation to date .....	\$335,000,000
2002 supplemental estimate .....	19,300,000
Committee recommendation .....	19,300,000

Consistent with the administration's request, the Committee has provided \$19,300,000 for the Border Enforcement Program within the Federal Motor Carrier Safety Administration. Within this

amount, \$4,200,000 will be used to fund the implementation of Section 1012 of the USA Patriot Act (Public Law 107-56), which will include 34 additional Federal personnel to review and process security background record checks and handle due process claims. \$8,000,000 will be used for research, training, and implementation of fraud detection and prevention techniques for State licensing and enforcement agencies. \$2,000,000 will be used to develop a hazardous material security and education outreach program and to conduct a vulnerability assessment of security at the northern border. And, \$5,100,000 will be used for coordinating State drivers' license registration and social security number verification.

*Commercial drivers license (CDL) fraud.*—The Committee notes that the Department of Transportation Inspector General (IG) recently released a report on the testing and licensing of commercial drivers. The IG report concludes that “existing Federal standards and State controls are not sufficient to defend against the alarming threat posed by individuals who seek to fraudulently obtain CDLs.” In fact, since 1998 suspected fraud in the testing and licensing of commercial drivers has been identified in 16 States.

The Committee supports the Federal Motor Carrier Safety Administration's (FMCSA) effort to establish a national comprehensive model training program and “best practices” document to help driver license personnel, examiners and law enforcement officers identify fraudulent documentation. However, the Committee also notes that the establishment of a one-driver, one-record pointer system has the potential to vastly improve the identity verification of CDL applicants and motor vehicle drivers. The Committee directs FMCSA to work with the National Highway Traffic Safety Administration (NHTSA) to aggressively establish a system which would allow States to electronically exchange driver status information.

While improved training and technology programs are necessary and desirable, these actions do not substitute nor relieve FMCSA's responsibility to monitor compliance of the States with Federal standards. The Committee expects FMCSA to implement expeditiously the recommendations of the Inspector General's recent audit including the use of covert procedures to monitor State and third-party examiners. The Committee directs FMCSA to submit a report on the status of the IG's recommendations and the agency's joint efforts with NHTSA to establish a one-driver, one-record pointer system to the House and Senate Committee on Appropriations no later than November 1, 2002.

*Laredo, TX inspection facility.*—The Committee directs that the Texas Department of Transportation consult with the City of Laredo and consider their concerns regarding site selection for a cross-border inspection facility. The Committee reinforces that Federal safety requirements must be met in any site selection decision. Under no circumstances should the Federal Motor Carrier Administrator approve a site for such an inspection facility if the location of that site in any way compromises his ability to enforce all statutory and regulatory safety requirements including those enacted as part of the Transportation Appropriations Act for fiscal year 2002.

## FEDERAL RAILROAD ADMINISTRATION

## GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

2002 appropriation to date .....	\$626,000,000
2002 supplemental estimate .....	
Committee recommendation .....	55,000,000

The Committee has provided an additional \$55,000,000 for grants to the National Railroad Passenger Corporation (AMTRAK). Within the amount provided, \$20,000,000 will be used to repair damaged passenger equipment, \$12,000,000 will be used for emergency security needs, and \$23,000,000 will be used for the heavy overhaul of the rail passenger fleet. The Committee directs AMTRAK to utilize these additional resources to make equipment repairs and enhance the security of AMTRAK's entire national system, not just on the Northeast Corridor.

## FEDERAL TRANSIT ADMINISTRATION

## CAPITAL INVESTMENT GRANTS

2002 appropriation to date .....	\$2,941,000,000
2002 supplemental estimate .....	1,800,000,000
Committee recommendation .....	1,800,000,000

Consistent with the administration's budget request, the Committee recommends a total of \$1,800,000,000 for Capital Investment Grants. The amount provided will be used solely to replace, rebuild, or enhance mass transportation systems serving the Borough of Manhattan. These funds will be used to finance project elements that are not eligible for reimbursements through the Federal Emergency Management Administration to improve public transit systems.

## RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION

## RESEARCH AND SPECIAL PROGRAMS

2002 appropriation to date .....	\$37,279,000
2002 supplemental estimate .....	3,500,000
Committee recommendation .....	3,500,000

Consistent with the administration's request, the Committee recommends \$3,500,000 in additional resources for the Research and Special Programs Administration. Funding will be used to relocate and upgrade the Department of Transportation's Crisis Management Center into a new Transportation Information Operations Center (TIOC). This new center will provide accurate, real-time information throughout the Department of Transportation and other Federal agencies on the status of the Nation's transportation infrastructure as security alerts are received or as events occur. Within the amount provided, \$2,000,000 will be used for building refurbishment, \$1,300,000 will be used for hardware and software for improved classified and non-classified information exchange activities and \$200,000 shall support three positions to staff the new facility.

## GENERAL PROVISIONS, THIS CHAPTER

SECS. 1001–1002. In addition to the general provision discussed above increasing the obligation limitation for the Transportation Administrative Service Center, the Committee has included a general provision authorizing an obligation ceiling for the Federal-aid Highway Program of at least \$27,746,000,000 for fiscal year 2003. Absent this provision, section 8103(a)(5) of the Transportation Equity Act for the 21st Century (TEA–21) would cause Federal highway investment for fiscal year 2003 to be reduced almost \$8,600,000,000 below the level enacted for fiscal year 2002. Such a precipitous drop in highway investment, as called for in the administration's budget request, will not be supported by the Committee. To the contrary, the Committee notes that the highway account of the Highway Trust Fund can support an obligation ceiling of as much as \$28,900,000,000 in fiscal year 2003, while maintaining sufficient balances to support steadily growing obligation ceilings for the period covered by the next highway authorization period.

SEC. 1003. The Committee has included a general provision making a technical correction to the American Fisheries Act. The provision implements the intent of Congress to require the tonnage restriction in the Act for new fishing vessels to be measured utilizing the Regulatory Tonnage Measurement System rather than the Conventional Tonnage System.

SEC. 1004. The Air Transportation Safety and System Stabilization Act (Public Law 107–42) authorized up to \$10,000,000,000 in credit assistance for air carriers who cannot obtain private credit at reasonable rates but whose service is necessary toward the continuation of a safe, efficient, and viable commercial aviation system in the United States. Such credit assistance is provided through an Air Transportation Stabilization Board established in the Act. To date, the Board has provided credit assistance to only one U.S. flag carrier. The Committee bill includes a provision which limits the amount of credit assistance available to air carriers to \$429,000,000 in fiscal year 2002 and \$4,000,000,000 in the aggregate. The Committee is aware that applications are currently pending before the Stabilization Board and others may be forthcoming in the very near future. The Committee's action is not intended in any way to undermine those applications, pass judgment on the merit of those applications or in any way limit the size of a loan package that a carrier may be eligible to receive. Indeed, the Committee expects the Stabilization Board to continue to expeditiously process and negotiate loan applications and announce the Board's intent to issue loan guarantees to applicants with the expectation that such guarantees will become available on October 1, 2002. The Committee believes that \$4,000,000,000 in total loan assistance should be sufficient to meet all eligible loan applications that might be approved by the Stabilization Board over the life of the program.

SEC. 1005. The Committee recommendation includes a general provision amending section 335 of the Transportation and Related Agencies Appropriations Act for 2002. The provision serves to clarify that the Transportation Security Administration must compensate airport sponsors for space used by the agency on airport

property except for that space necessary for passenger and baggage security checkpoints.

SEC. 1006. The Committee recommendation includes a general provision clarifying the alignment of a highway project in Mississippi made eligible for enhancement funds in the Transportation Appropriations Act for fiscal year 2001.

SEC. 1007. The Committee recommendation includes a general provision clarifying the expectation that \$2,750,000 provided in prior Transportation Appropriations Acts for intelligent transportation systems shall be used for the purposes authorized under Section 5118 of the Transportation Equity Act for the 21st Century. Specifically, these resources shall be derived from funds provided for the "Delaware River Port Authority" project in fiscal year 2001 and the "Philadelphia, Pennsylvania (Drexel)" project in fiscal year 2002.

## CHAPTER 11

### SUBCOMMITTEE ON TREASURY AND GENERAL GOVERNMENT

#### DEPARTMENT OF THE TREASURY

##### FINANCIAL MANAGEMENT SERVICE

##### SALARIES AND EXPENSES

##### (RESCISSION)

The Committee recommendation includes a rescission totalling \$14,000,000 of available balances under this heading.

#### UNITED STATES CUSTOMS SERVICE

##### SALARIES AND EXPENSES

2002 appropriation to date .....	\$2,471,960,000
2002 supplemental estimate .....	
Committee recommendation .....	59,000,000

The Committee has included \$57,000,000 to fund start-up costs of the U.S. Customs Service Container Security Initiative, a critical effort to address the need to protect seaports in the United States and around the world. This initiative would allow the targeting and screening of potentially harmful cargo prior to its arrival at U.S. ports. The Committee commends the Customs Service for its aggressive effort to prevent weapons of mass destruction, terrorists, and other prohibited cargo from entering U.S. seaports.

The funding provided would allow staffing and technology to implement the Container Security Initiative at the 20 seaports that ship the largest quantities of cargo to U.S. ports. It will also fund similar U.S. initiatives at the three major Canadian ports.

The Committee is aware of proven technology and security standards currently being employed by the Department of Defense Total Asset Visibility Network and encourages the Customs Service to evaluate such best practices when investigating options for container security in ports it monitors.

The Committee also provides \$2,000,000 for the Customs Service to monitor and investigate the importation into the United States

of products made with forced labor, the importation of which violates section 307 of the Tariff Act of 1930 or section 1761 of title 18, United States Code.

The manufacture of goods made using prison, forced, or indentured labor continues to be an unfair trading practice used by a large number of countries despite the long-standing prohibition on importation of these goods into the United States. The use of forced labor by other countries hurts fair-trading U.S. businesses and defrauds U.S. consumers. The Committee is particularly concerned about countries that refuse to enforce their own laws that prohibit the exportation of forced labor-made goods to the United States, and those countries, such as China, that have not fulfilled their obligations under existing bilateral agreements with the United States pertaining to the inspection of suspected forced labor facilities by appropriate U.S. officials.

The Committee strongly urges the Customs Service to require importers to provide certification to establish that goods entering U.S. ports were made by legitimate foreign companies that do not use prison, forced, or indentured labor. Furthermore, the Committee strongly urges the Customs Service to use fully its authority to block the importation of goods that are suspected to have been made using forced labor, especially in cases in which the United States has requested of a foreign country an inspection of a specific factory or other facility, but the requested inspection has not taken place in a timely manner.

The entire amount provided has been designated as a contingent emergency pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

#### INTERNAL REVENUE SERVICE

##### INFORMATION SYSTEMS

##### (RESCISSION)

The Committee recommendation includes a rescission totalling \$10,000,000 of available balances under this heading.

#### UNITED STATES SECRET SERVICE

##### SALARIES AND EXPENSES

2002 appropriation to date .....	\$1,025,384,000
2002 supplemental estimate .....	
Committee recommendation .....	17,200,000

The Committee has included \$17,200,000 to expand the Secret Service's existing Electronic Crimes Task Force into a nationwide network as authorized by the USA Patriot Act of 2001. The rapid growth of technology has provided new avenues of opportunity for those who engage in fraud, threaten our Nation's financial payment systems or attempt to attack other aspects of our critical infrastructure. Expansion of the Electronic Crimes Task Forces will enable the Secret Service to continue to serve its core mission of protecting the Nation's critical infrastructures and financial payment systems.

The entire amount provided has been designated as a contingent emergency pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

## POSTAL SERVICE

### PAYMENT TO THE POSTAL SERVICE FUND

2002 appropriation to date .....	\$704,000,000
2002 supplemental estimate .....	87,000,000
Committee recommendation .....	87,000,000

The Committee has included \$87,000,000, as requested by the President, to further assist the Postal Service in its efforts to protect postal employees and postal customers from exposure to biohazardous material and to sanitize and screen the mail for biohazardous material. The Committee urges the Postal Service to make use of the most cost effective technology and to report to the Committees on Appropriations, on a quarterly basis, on the obligation of these funds.

The entire amount provided has been designated as an emergency pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

## EXECUTIVE OFFICE OF THE PRESIDENT

### OFFICE OF ADMINISTRATION

#### SALARIES AND EXPENSES

2002 appropriation to date .....	\$130,000,000
2002 supplemental estimate .....	5,000,000
Committee recommendation .....	5,000,000

The Committee has included \$5,000,000 in additional funds for the Office of Administration, Salaries and Expenses account, to address urgent needs associated with the Office of Homeland Security. These funds are required to outfit the off-site facility with the requisite equipment and information technology to ensure the establishment of multi-level connectivity between Federal agencies and State and local governments. These funds will remain available until expended and shall be available for obligation upon the Senate confirmation of a Director for Homeland Security.

The entire amount requested has been designated by the President as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

## INDEPENDENT AGENCY

### GENERAL SERVICES ADMINISTRATION

#### REAL PROPERTY ACTIVITIES

#### FEDERAL BUILDINGS FUND

2002 appropriation to date .....	\$362,000,000
2002 supplemental estimate .....	51,800,000
Committee recommendation .....	51,800,000

The Committee has included \$51,800,000, as requested by the President, to increase security services at Federal buildings nation-



wide and to provide additional security equipment at these facilities.

The entire amount provided has been designated as an emergency pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

#### POLICY AND OPERATIONS

2002 appropriation to date .....	\$143,000,000
2002 supplemental estimate .....	2,500,000
Committee recommendation .....	2,500,000

The Committee has included \$2,500,000, as requested by the President, to help protect against potential disruptions in information technology infrastructure stemming from the vulnerabilities identified in the Simple Network Management Protocol, a communications technology used in numerous products including the network management function for the Internet. These funds will be used to fund a Program Management Office within the General Services Administration to perform an assessment of the current situation and determine problems in all protocols and identify any current or potential threats. They will also be used to identify preventative and remedial actions and processes to be implemented to both fix the problems as well as to provide protection from any threat and develop and implement all necessary deployment plans for remediation and prevention. The Committee requests a report on the planned expenditure of the funds provided prior to their obligation.

#### GENERAL PROVISIONS, THIS CHAPTER

SEC. 1101. The Committee recommendation includes language relating to participants in the Eisenhower Exchange Fellowship program.

SEC. 1102. The Committee includes a provision establishing the position of Director for Homeland Security in the Office of Homeland Security. The Director shall be head of that office after appointment by the President and by and with the advice and consent of the Senate. This section shall take effect 30 days after enactment of the Act.

#### CHAPTER 12

##### SUBCOMMITTEE ON VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT AND INDEPENDENT AGENCIES

##### DEPARTMENT OF VETERANS AFFAIRS

##### VETERANS BENEFITS ADMINISTRATION

##### COMPENSATION AND PENSIONS

2002 appropriation to date .....	\$24,944,288,000
2002 supplemental estimate .....	1,100,000,000
Committee recommendation .....	1,100,000,000

On May 21, 2002, the Committee received the President's request for an additional \$1,100,000,000 for benefit payments to eligible veterans. VA will process a greater number of backlog claims and

provide more associated back payments to disabled veterans than originally projected for fiscal year 2002. The Committee recommends the President's request in order to pay these claims.

#### VETERANS HEALTH ADMINISTRATION

##### MEDICAL CARE

2002 appropriation to date .....	\$21,331,164,000
2002 supplemental estimate .....	142,000,000
Committee recommendation .....	417,000,000

The Committee recommends an additional \$417,000,000 for VA medical care in fiscal year 2002.

The Committee's recommendation includes \$142,000,000 to continue open enrollment for all veterans. The Committee directs that this entire amount be allocated to the Veterans Integrated Service Networks (VISNs) without any off the top reductions.

The Committee's recommendation also includes \$275,000,000 for VA's increase in medical care workload and to maintain current staffing levels. The Committee is deeply troubled by the VA's inability to estimate its workload accurately. The administration's 2002 budget request underestimated the number of patients who would seek VA medical care by 13.6 percent, or over 568,000 patients. This workload increase almost resulted in VA's deciding to close enrollment to Priority 7 veterans. This would have denied care to 320,000 veterans, even though the Committee provided \$350,000,000 above the President's 2002 budget request for VA medical care. The Committee emphasizes that it must receive reliable workload and resource needs, and notes that the Statement of Administration Policy (SAP) on the fiscal year 2002 VA-HUD conference report stated, "While the Administration appreciates the support of improved benefits and services to our Nation's veterans, the recommended VA funding level of both the House and the Senate currently exceeds the request." The Committee therefore directs the VA to report to the Committee by September 1, 2002, on measures the Department is taking and expects to take to ensure accurate workload and resource needs estimates.

##### MEDICAL AND PROSTHETIC RESEARCH

##### (RESCISSION)

2002 appropriation to date .....	\$371,000,000
2002 supplemental estimate .....	- 5,000,000
Committee recommendation .....	

The Committee does not recommend the President's requested \$5,000,000 rescission from VA Medical and Prosthetic Research.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT  
PUBLIC AND INDIAN HOUSING  
HOUSING CERTIFICATE FUND  
(RESCISSION)

2002 appropriation to date .....	\$15,641,000,000
2002 supplemental estimate .....	
Committee recommendation .....	- 300,000,000

The Committee rescinds \$300,000,000 from unobligated balances available from the recapture of excess Section 8 funds. The rescission should be applied against available funds appropriated under this heading in fiscal year 2002 and in prior years.

COMMUNITY PLANNING AND DEVELOPMENT  
RURAL HOUSING AND ECONOMIC DEVELOPMENT

2002 appropriation to date .....	\$25,000,000
2002 supplemental estimate .....	- 20,000,000
Committee recommendation .....	

The Committee does not agree with the administration's proposal to rescind \$20,000,000 from the Office of Rural Housing and Economic Development. The account provides critically needed resources for technical assistance, capacity building and housing development in rural areas. Over 2.1 million rural households pay more than 50 percent of their incomes on housing, and 1.8 million households live in inadequate units. Further, the Committee does not agree with the administration that this program is duplicative of Department of Agriculture (USDA) programs. Unlike the USDA rural housing programs, HUD's Office of Rural Housing and Economic Development program offers capacity building funds, flexibility, and direct grants to nonprofit organizations.

COMMUNITY DEVELOPMENT FUND

2002 appropriation to date .....	\$7,000,000,000
2002 supplemental estimate .....	750,000,000
Committee recommendation .....	750,000,000

The Committee recommends \$750,000,000 in Community Development Block Grant funding to the Lower Manhattan Development Corporation (LMDC) in New York. Funds are provided to rebuild and restore utility infrastructure and equipment destroyed, including reimbursement of utility companies for uninsured losses, as a result of the September 11, 2001 terrorist attacks. Funds may also be available to fulfill the LMDC's responsibilities to rebuild lower Manhattan.

The Committee includes bill language to make technical corrections to clarify the allowable use of \$250,000 previously appropriated for the Wellstone Neighborhood Center, \$1,000,000 previously appropriated for the Community Action Agency of Southern New Mexico, \$400,000 previously appropriated for the City of Reading, Pennsylvania, and \$750,000 previously appropriated to the Smart Start Child Care Center and Expertise School at Las Vegas, Nevada.

## HOME INVESTMENT PARTNERSHIPS PROGRAM

## (RESCISSION)

2002 appropriation to date .....	\$1,846,000,000
2002 supplemental estimate .....	
Committee recommendation .....	- 50,000,000

The Committee rescinds \$50,000,000 of fiscal year 2002 funding from the HOME Investment Partnerships Program that was designated for the Downpayment Assistance Initiative. Public Law 107-73 made the availability of these funds subject to authorization of the program by June 30, 2002. Funds are rescinded because the Department has failed to send authorizing language to the Senate Banking Committee within a time frame that would allow for adequate consideration.

## HOUSING PROGRAMS

## RENTAL HOUSING ASSISTANCE

The Committee has included a provision that directs HUD to make \$300,000,000 from contract authority in excess of required payments for fiscal year 2002 available for the capital costs of rehabilitation for projects eligible under section 236(s) of the National Housing Act.

## INDEPENDENT AGENCIES

## ENVIRONMENTAL PROTECTION AGENCY

## SCIENCE AND TECHNOLOGY

2002 appropriation to date .....	\$788,397,000
2002 supplemental estimate .....	
Committee recommendation .....	100,000,000

The Committee recommends \$100,000,000 for the Agency to assist the Nation's small and medium sized drinking water systems to perform security vulnerability assessments.

## HAZARDOUS SUBSTANCE SUPERFUND

2002 appropriation to date .....	\$1,311,292,000
2002 supplemental estimate .....	12,500,000
Committee recommendation .....	12,500,000

The Committee recommends \$12,500,000 to reimburse the Agency for expenses incurred for anthrax investigations and cleanup actions at the United State Capitol and congressional office building complex.

## FEDERAL EMERGENCY MANAGEMENT AGENCY

## DISASTER RELIEF

2002 appropriation to date .....	\$6,716,270,000
2002 supplemental estimate .....	2,750,000,000
Committee recommendation .....	2,660,000,000

The Committee recommends \$2,660,000,000, for continuing disaster relief efforts in response to the September 11th terrorist attacks. The funding under this heading is to cover all eligible activi-

ties associated with transportation infrastructure restoration and public infrastructure and building repair and restoration. The Committee has re-directed \$90,000,000 of the administration's request to the Centers for Disease Control and Prevention to conduct public health studies and screening for emergency services personnel who responded to the attacks of September 11th.

In addition, the Committee directs that funding is to be provided to compensate the New York City Board of Education for costs stemming from the September 11, 2001 terrorist attacks, for activities including additional classroom instruction time, mental health, trauma counseling, and other support services; guidance and grief counseling; clean-up and structural inspections and repairs of school facilities; student relocations, lost textbooks and perishable food.

The Committee understands that FEMA is undertaking a review of its Mortgage and Rental Assistance Program with the purpose of better assisting those people who had difficulty meeting their mortgage and rental costs as a direct result of the terrorist attacks of September 11th. As FEMA undertakes this review, the Committee directs that FEMA shall make eligible for assistance those persons who were either directly employed in the Borough of Manhattan or had at least 75 percent of their wages coming from business conducted within the Borough of Manhattan as a direct result of the September 11th attacks. In addition, the Committee directs FEMA to develop a program to reimburse those people who were mistakenly turned away from the Mortgage and Rental Assistance program, and who have already lost their pre-September 11th place of residence.

#### EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE

2002 appropriation to date .....	\$624,623,000
2002 supplemental estimate .....	326,727,000
Committee recommendation .....	745,000,000

In response to the administration's request, the Committee recommends \$745,000,000 for critically important emergency management planning and assistance activities. The Committee's recommendation includes \$175,000,000 for FEMA to make available to the States for State and local all hazards operational planning including response planning for natural and man-made disasters including terrorism. The Committee's recommendation also includes \$300,000,000 for the fire grant program as authorized by the Federal Fire Prevention and Control Act of 1974, as amended. Together with funds previously appropriated for this program, the Committee's action brings the fire grant program in fiscal year 2002 to \$660,000,000. The Committee notes that in fiscal year 2002, FEMA received \$3,000,000,000 in applications for fire grants from over 18,000 fire departments across the country. Additional funding provided in this section will help meet this demand. The Committee expects FEMA to quickly put in place the personnel necessary to efficiently manage the on-going fire grant program.

The Committee also recommends \$92,000,000 for upgrading FEMA's Urban Search and Rescue (USAR) teams with additional equipment caches to ensure that all 28 USAR teams are capable of responding to a weapon of mass destruction. Funding provided

under this section shall be administered by the U.S. Fire Administration and shall be used to support additional training and equipment needs for all 28 teams to ensure that each team can support two units simultaneously. In addition, the Committee recommends \$115,000,000 for interoperable communications equipment for firefighters and emergency medical services. Funding shall be provided on a competitive basis with a matching requirement consistent with the matching requirements in the Federal Fire Prevention and Control Act. The program shall be administered by the U.S. Fire Administration in coordination with the Office of National Preparedness. The Committee urges that grants under these programs be used to purchase cost effective cross band repeaters or other frequency or band patching solutions, which allow agencies to make existing communications systems interoperable. In addition, equipment provided under these programs should be compatible with ANSI/TIA-102 standards, commonly referred to as Project 25, P-25, or APCO Project 25. The Committee also recommends an additional \$56,000,000 for competitive grants to State and local governments for physical and technical improvements in emergency operations centers to be administered by the Office of National Preparedness; and \$7,000,000 for the acquisition of secure communications equipment and associated facility improvements and maintenance for State emergency operations centers.

The Committee does not recommend funding for the proposed Citizen Corps program. The Committee is concerned about FEMA's capability to undertake and manage this initiative, and that there continues to be a lack of clarity about FEMA's statutory authority to administer this initiative.

#### CERRO GRANDE FIRE CLAIMS

The Committee recommends \$80,000,000 to the Office of Cerro Grande Fire Claims to cover the remaining liability claims resulting from the fire.

#### NATIONAL SCIENCE FOUNDATION

##### EDUCATION AND HUMAN RESOURCES

2002 appropriation to date .....	\$875,000,000
2002 supplemental estimate .....	19,300,000
Committee recommendation .....	19,300,000

The Committee recommends \$19,300,000 for cyber-security Scholarships for Service. This program assists students to develop the skills needed to provide high-quality security for the Nation's information infrastructure, particularly in the Federal sector. These funds will allow a number of existing awards to be more adequately funded as well as allow for a number of new projects to be initiated.

#### GENERAL PROVISIONS, THIS CHAPTER

SEC. 1201. The Committee includes bill language directing the Secretary to continue to administer the Disposition of Assets in Revitalization Areas, or "Asset Control Area" program and to enter into new contracts with eligible program participants. The Com-

mittee directs the Secretary to immediately reinstate the program. The Committee does not agree with the Department's decision to impose a blanket moratorium on the program, and notes that the HUD Inspector General did not recommend a moratorium or suspension of the program. The Committee encourages HUD to reform its management and oversight of the program, and to expedite the issuance of regulations for the program. The bill language is not intended to require HUD to renew contracts with noncompliant participants or under the existing terms of the contract. Rather, existing contracts should be revised to reflect the requirements of Section 602 of the Fiscal Year 1999 VA-HUD and Independent Agencies Appropriations Act.

SEC. 1202. The Committee includes bill language requiring HUD to provide the House and Senate Committees on Appropriations with quarterly reports on the status of any FHA-insured multifamily housing project that is in default for longer than 60 days.

SEC. 1203. The Committee includes bill language to lift the use restrictions on an apartment building in Baltimore, Maryland.

## TITLE II—GENERAL PROVISIONS

SEC. 2001. The Committee recommends language limiting the availability of funds in the bill to the current fiscal year unless otherwise expressly provided.

SEC. 2002. The Committee has included language providing that any amount appropriated in this Act (except in the Defense chapter) that is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, shall not be available for obligation unless all such amounts appropriated in this Act are designated by the President, upon enactment of this Act, as emergency requirements pursuant to that section.



COMPLIANCE WITH PARAGRAPH 7, RULE XVI OF THE  
STANDING RULES OF THE SENATE

Paragraph 7 of rule XVI requires that Committee reports on general appropriations bills identify, with particularity, each Committee amendment to the House bill “which proposes an item of appropriation which is not made to carry out the provisions of an existing law, a treaty stipulation, or an act or resolution previously passed by the Senate during that session.”

The accompanying bill contains the following items which lack authorization:

*In title I:*

Chapter 2: Department of Justice:

General Administration, Salaries and Expenses,  
\$186,550,000;

Legal Activities, United States Attorneys, \$5,200,000;

Federal Bureau of Investigation, Salaries and Expenses,  
\$75,500,000;

Immigration and Naturalization Service, Salaries and Ex-  
penses, \$35,000,000;

Immigration and Naturalization Service, Construction,  
\$84,000,000;

Office of Justice Programs, Community Oriented Policing  
Services, \$85,000,000.

Chapter 3: Department of Defense: \$14,022,000,000.

Chapter 4: District of Columbia:

Federal Payment to the Children’s National Medical Center,  
\$13,770,000;

Federal Payment to the District of Columbia, \$24,730,000;

Federal Payment to the Washington Metropolitan Area  
Transit Authority, \$25,000,000;

Federal Payment to the Washington Metropolitan Area  
Council of Governments, \$1,750,000;

Federal Payment to the Water and Sewer Authority of the  
District of Columbia, \$3,000,000.

Chapter 10: Department of Transportation:

Transportation Security Administration, Salaries and Ex-  
penses, \$200,000,000;

Coast Guard, Operating Expenses, \$318,400,000;

Coast Guard, Acquisition, Construction, and Improvements,  
\$347,700,000.

Chapter 12: Federal Emergency Management Agency: Emer-  
gency Management Planning and Assistance, \$115,000,000.

COMPLIANCE WITH PARAGRAPH 7(C), RULE XXVI OF THE  
STANDING RULES OF THE SENATE

Pursuant to paragraph 7(c) of rule XXVI, the accompanying bill was ordered reported from the Committee by recorded vote of 29–0, a quorum being present.

Yeas

Nays

Chairman Byrd  
Mr. Inouye  
Mr. Hollings  
Mr. Leahy  
Mr. Harkin  
Ms. Mikulski  
Mr. Reid  
Mr. Kohl  
Mrs. Murray  
Mr. Dorgan  
Mrs. Feinstein  
Mr. Durbin  
Mr. Johnson  
Ms. Landrieu  
Mr. Reed  
Mr. Stevens  
Mr. Cochran  
Mr. Specter  
Mr. Domenici  
Mr. Bond  
Mr. McConnell  
Mr. Burns  
Mr. Shelby  
Mr. Gregg  
Mr. Bennett  
Mr. Campbell  
Mr. Craig  
Mrs. Hutchison  
Mr. DeWine

COMPLIANCE WITH PARAGRAPH 12, RULE XXVI OF THE  
STANDING RULES OF THE SENATE

Paragraph 12 of rule XXVI requires that Committee reports on a bill or joint resolution repealing or amending any statute or part of any statute include “(a) the text of the statute or part thereof which is proposed to be repealed; and (b) a comparative print of that part of the bill or joint resolution making the amendment and of the statute or part thereof proposed to be amended, showing by stricken-through type and italics, parallel columns, or other appropriate typographical devices the omissions and insertions which would be made by the bill or joint resolution if enacted in the form recommended by the committee.”

In compliance with this rule, the following changes in existing law proposed to be made by the bill are shown as follows: existing law to be omitted is enclosed in black brackets; new matter is

printed in *Italics*; and existing law in which no change is proposed is shown in Roman.

## **TITLE 26—INTERNAL REVENUE CODE**

\* \* \* \* \*

### **Subtitle C—Employment Taxes**

\* \* \* \* \*

## **CHAPTER 23—FEDERAL UNEMPLOYMENT TAX ACT**

### **§ 3306. Definitions**

#### **(a) Employer**

\* \* \* \* \*

#### **(u) Indian tribe**

For purposes of this chapter, the term “Indian tribe” has the meaning given to such term by section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)), and includes any subdivision, subsidiary, or business enterprise wholly owned by such an Indian tribe. *Such term does not include any entity located in Alaska.*

\* \* \* \* \*

## **TITLE 28—JUDICIARY AND JUDICIAL PROCEDURE**

\* \* \* \* \*

### **PART II—DEPARTMENT OF JUSTICE**

\* \* \* \* \*

## **CHAPTER 31—THE ATTORNEY GENERAL**

\* \* \* \* \*

### **§ 504. Deputy Attorney General *and a Principal Associate Deputy Attorney General for Combating Terrorism***

The President may appoint, by and with the advice and consent of the Senate, a Deputy Attorney General *and a Principal Associate Deputy Attorney General for Combating Terrorism*.

\* \* \* \* \*

## **SECTION 9 OF THE ACT OF JULY 31, 1946**

AN ACT To define the area of the United States Capitol Grounds, to regulate the use thereof, and for other purposes

SEC. 9. (a) \* \* \*

\* \* \* \* \*

**[(b)]** (c) For purposes of this section, “the United States Capital Buildings and Grounds” shall include any building or facility acquired by the Chief Administrative Officer of the House of Representatives for the use of the House of Representatives for which the Chief Administrative Officer has entered into an agreement

with the United States Capitol Police for the policing of the building or facility.

\* \* \* \* \*

## ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

\* \* \* \* \*

### TITLE VIII—IMPACT AID

#### SEC. 8001. \* \* \*

\* \* \* \* \*

#### SEC. 8003. PAYMENTS FOR ELIGIBLE FEDERALLY CONNECTED CHILDREN.

(a) \* \* \*

\* \* \* \* \*

(b) \* \* \*

(1) \* \* \*

(F) \* \* \*

*(G) Beginning with fiscal year 2002, for the purpose of calculating a payment under this paragraph for a local educational agency whose local contribution rate was computed under subparagraph (C)(iii) for the previous year, the Secretary shall use a local contribution rate that is not less than 95 percent of the rate that the LEA received for the preceding year.*

\* \* \* \* \*

(2) \* \* \*

\* \* \* \* \*

(D) MAXIMUM AMOUNT FOR REGULAR HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.—(i) \* \* \*

(ii)(I) \* \* \*

\* \* \* \* \*

(III) **For a local educational agency that has an enrollment of more than 100 but not more than 750 children described in subsection (a)(1), the Secretary shall calculate the total number of weighted student units for purposes of subsection (a)(2) by multiplying the number of such children by a factor of 1.25.** *For a local educational agency that does not qualify under (B)(i)(II)(aa) of this subsection and has an enrollment of more than 100 but not more than 1,000 children described in subsection (a)(1), the Secretary shall calculate the total number of weighted student units for purposes of subsection (a)(2) by multiplying the number of such children by a factor of 1.25.*

\* \* \* \* \*

## HIGHER EDUCATION AMENDMENTS OF 1968

\* \* \* \* \*

## PART D—GRANTS TO STATES FOR WORK- PLACE AND COMMUNITY TRANSITION TRAINING FOR INCARCERATED YOUTH OF- FENDERS

### SEC. 821. GRANTS TO STATES FOR WORKPLACE AND COMMUNITY TRANSITION TRAINING FOR INCARCERATED YOUTH OF- FENDERS.

(a) \* \* \*

\* \* \* \* \*

(b) DEFINITION.—For purposes of this part, the term “youth of-  
fender” means a male or female offender under the age of **[25]** 35,  
who is incarcerated in a State prison, including a prerelease facil-  
ity.

\* \* \* \* \*

(e) \* \* \*

(1) \* \* \*

\* \* \* \* \*

(3) provide to each State for each student eligible under  
subsection (f) not more than **[\$1,500]** \$2,000 annually for tui-  
tion, books, and essential materials, and not more than \$300  
annually for related services such as career development, sub-  
stance abuse counseling, parenting skills training, and health  
education, for each eligible incarcerated youth.

(f) STUDENT ELIGIBILITY.—A youth offender shall be eligible for  
participation in a program receiving a grant under this section if  
the youth offender—

(1) is eligible to be released within 5 years (including a  
youth offender who is eligible for parole within such time); and

(2) is **[25]** 35 years of age or younger.

\* \* \* \* \*

## PUBLIC HEALTH SERVICE ACT

### TITLE IV—NATIONAL RESEARCH INSTITUTES

#### PART A—NATIONAL INSTITUTES OF HEALTH

SEC. 401. \* \* \*

\* \* \* \* \*

#### PART G—AWARDS AND TRAINING

**[NATIONAL RESEARCH SERVICE AWARDS]** *RUTH L. KIRSCHSTEIN*  
*NATIONAL RESEARCH SERVICE AWARDS*

SEC. 487. (a)(1) The Secretary shall—

(A) provide **[National Research Service Awards]** *Ruth L. Kirschstein National Research Service Awards* for—

(i) biomedical and behavioral research at the National  
Institutes of Health in matters relating to the cause, diag-  
nosis, prevention, and treatment of the diseases or other

health problems to which the activities of the National Institutes of Health and Administration are directed;

(ii) training at the National Institutes of Health and at the Administration of individuals to undertake such research;

(iii) biomedical and behavioral research and health services research (including research in primary medical care) at public and nonprofit private entities; and

(iv) pre-doctoral and post-doctoral training at public and private institutions of individuals to undertake biomedical and behavioral research;

(B) make grants to public and nonprofit private institutions to enable such institutions to make **[National Research Service Awards]** *Ruth L. Kirschstein National Research Service Awards* for research (and training to undertake biomedical and behavioral research) in the matters described in subparagraph (A)(i) to individuals selected by such institutions; and

(C) provide contracts for scholarships and loan repayments in accordance with sections 487D and 487E, subject to providing not more than an aggregate 50 such contracts during the fiscal years 1994 through 1996.

A reference in this subsection to the National Institutes of Health shall be considered to include the institutes, agencies, divisions, and bureaus included in the National Institutes of Health or under the Administration, as the case may be.

(2) **[National Research Service Awards]** *Ruth L. Kirschstein National Research Service Awards* may not be used to support residency training of physicians and other health professionals.

(3) In awarding **[National Research Service Awards]** *Ruth L. Kirschstein National Research Service Awards* under this section, the Secretary shall take account of the Nation's overall need for biomedical research personnel by giving special consideration to physicians who agree to undertake a minimum of two years of biomedical research.

(4) The Secretary shall carry out paragraph (1) in a manner that will result in the recruitment of women, and individuals from disadvantaged backgrounds (including racial and ethnic minorities), into fields of biomedical or behavioral research and in the provision of research training to women and such individuals.

(b)(1) No **[National Research Service Award]** *Ruth L. Kirschstein National Research Service Award* may be made by the Secretary to any individual unless—

(A) the individual has submitted to the Secretary an application therefor and the Secretary has approved the application;

(B) the individual provides, in such form and manner as the Secretary shall by regulation prescribe, assurances satisfactory to the Secretary that the individual will meet the service requirement of subsection (c); and

(C) in the case of a **[National Research Service Award]** *Ruth L. Kirschstein National Research Service Award* for a purpose described in subsection (a)(1)(A)(iii), the individual has been sponsored (in such manner as the Secretary may by regulation require) by the institution at which the research or training under the award will be conducted.

An application for an award shall be in such form, submitted in such manner, and contain such information, as the Secretary may by regulation prescribe.

(2) The making of grants under subsection (a)(1)(B) for **【National Research Service Awards】** *Ruth L. Kirschstein National Research Service Awards* shall be subject to review and approval by the appropriate advisory councils within the Department of Health and Human Services (A) whose activities relate to the research or training under the awards, or (B) for the entity at which such research or training will be conducted.

(3) No grant may be made under subsection (a)(1)(B) unless an application therefor has been submitted to and approved by the Secretary. Such application shall be in such form, submitted in such manner, and contain such information, as the Secretary may by regulation prescribe. Subject to the provisions of this section (other than paragraph (1)), **【National Research Service Awards】** *Ruth L. Kirschstein National Research Service Awards* made under a grant under subsection (a)(1)(B) shall be made in accordance with such regulations as the Secretary shall prescribe.

(4) The period of any **【National Research Service Award】** *Ruth L. Kirschstein National Research Service Award* made to any individual under subsection (a) may not exceed—

(A) five years in the aggregate for pre-doctoral training; and

(B) three years in the aggregate for post-doctoral training; unless the Secretary for good cause shown waives the application of such limit to such individual.

(5) **【National Research Service Awards】** *Ruth L. Kirschstein National Research Service Awards* shall provide for such stipends, tuition, fees, and allowances (including travel and subsistence expenses and dependency allowances), adjusted periodically to reflect increases in the cost of living, for the recipients of the awards as the Secretary may deem necessary. A **【National Research Service Award】** *Ruth L. Kirschstein National Research Service Award* made to an individual for research or research training at a non-Federal public or nonprofit private institution shall also provide for payments to be made to the institution for the cost of support services (including the cost of faculty salaries, supplies, equipment, general research support, and related items) provided such individual by such institution. The amount of any such payments to any institution shall be determined by the Secretary and shall bear a direct relationship to the reasonable costs of the institution for establishing and maintaining the quality of its biomedical and behavioral research and training programs.

(c)(1) Each individual who is awarded a **【National Research Service Award】** *Ruth L. Kirschstein National Research Service Award* for postdoctoral research training shall, in accordance with paragraph (3), engage in research training, research, or teaching that is health-related (or any combination thereof) for the period specified in paragraph (2). Such period shall be served in accordance with the usual patterns of scientific employment.

(2)(A) The period referred to in paragraph (1) is 12 months, or one month for each month for which the individual involved receives a **【National Research Service Award】** *Ruth L. Kirschstein*

*National Research Service Award* for postdoctoral research training, whichever is less.

(B) With respect to postdoctoral research training, in any case in which an individual receives a **[National Research Service Award]** *Ruth L. Kirschstein National Research Service Award* for more than 12 months, the 13th month and each subsequent month of performing activities under the Award shall be considered to be activities engaged in toward satisfaction of the requirement established in paragraph (1) regarding a period of service.

(3) The requirement of paragraph (1) shall be complied with by any individual to whom it applies within such reasonable period of time, after the completion of such individual's award, as the Secretary shall by regulation prescribe. The Secretary shall by regulation prescribe the type of research and teaching in which an individual may engage to comply with such requirement and such other requirements respecting research and teaching as the Secretary considers appropriate.

(4)(A) If any individual to whom the requirement of paragraph (1) is applicable fails, within the period prescribed by paragraph (3), to comply with such requirements, the United States shall be entitled to recover from such individual an amount determined in accordance with the formula—

$$A = \phi \left( \frac{t-s}{t} \right)$$

in which "A" is the amount the United States is entitled to recover; "φ" is the sum of the total amount paid under one or more **[National Research Service Awards]** *Ruth L. Kirschstein National Research Service Awards* to such individual; "t" is the total number of months in such individual's service obligation; and "s" is the number of months of such obligation served by such individual in accordance with paragraphs (1) and (2) of this subsection.

(B) Any amount which the United States is entitled to recover under subparagraph (A) shall, within the three-year period beginning on the date the United States becomes entitled to recover such amount, be paid to the United States. Until any amount due the United States under subparagraph (A) on account of any **[National Research Service Award]** *Ruth L. Kirschstein National Research Service Award* is paid, there shall accrue to the United States interest on such amount at a rate fixed by the Secretary of the Treasury after taking into consideration private consumer rates of interest prevailing on the date the United States becomes entitled to such amount.

(5)(A) Any obligation of an individual under paragraph (1) shall be canceled upon the death of such individual.

(B) The Secretary shall by regulation provide for the waiver or suspension of any such obligation applicable to any individual whenever compliance by such individual is impossible or would involve substantial hardship to such individual or would be against equity and good conscience.



(d) For the purpose of carrying out this section, there are authorized to be appropriated \$400,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996. Of the amounts appropriated under this subsection—

(1) not less than 15 percent shall be made available for payments under **【National Research Service Awards】** *Ruth L. Kirschstein National Research Service Awards* provided by the Secretary under subsection (a)(1)(A);

(2) not less than 50 percent shall be made available for grants under subsection (a)(1)(B) for **【National Research Service Awards】** *Ruth L. Kirschstein National Research Service Awards*;

(3) 1 percent shall be made available to the Secretary, acting through the Administrator of the Health Resources and Services Administration, for payments under **【National Research Service Awards】** *Ruth L. Kirschstein National Research Service Awards* which (A) are made to individuals affiliated with entities which have received grants or contracts under section 747, 748, or 749, and (B) are for research in primary medical care; and 1 percent shall be made available for payments under **【National Research Service Awards】** *Ruth L. Kirschstein National Research Service Awards* made for health services research by the Agency for Health Care Policy and Research under section 304(a); and

(4) not more than 4 percent may be obligated for **【National Research Service Awards】** *Ruth L. Kirschstein National Research Service Awards* for periods of three months or less.

\* \* \* \* \*

## TRANSPORTATION EQUITY ACT FOR THE 21ST CENTURY, PUBLIC LAW 105-178

### TITLE I—FEDERAL-AID HIGHWAYS

#### SUBTITLE A—AUTHORIZATIONS AND PROGRAMS

\* \* \* \* \*

#### SEC. 1102. OBLIGATION CEILING.

(a) \* \* \*

\* \* \* \* \*

(j) \* \* \*

\* \* \* \* \*

(k) *Notwithstanding any other provision of law, the obligations for Federal-aid highway and highway safety construction programs for fiscal year 2003 shall be not less than \$27,746,000,000 and not more than \$28,900,000,000.*

\* \* \* \* \*

## PUBLIC LAW 105-204

An Act to require the Secretary of Energy to submit to Congress a plan to ensure that all amounts accrued on the books of the United States Enrichment Corporation for the disposition of depleted uranium hexafluoride will be used to treat and recycle depleted uranium hexafluoride.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## SECTION 1. UNITED STATES ENRICHMENT CORPORATION.

(a) PLAN.—The Secretary of Energy shall prepare, and the President shall include in the budget request for fiscal year 2000, a plan and proposed legislation to ensure that all amounts accrued on the books of the United States Enrichment Corporation for the disposition of depleted uranium hexafluoride will be used to commence construction of, not later than January 31, 2004, and to operate, an onsite facility at each of the gaseous diffusion plants at Paducah, Kentucky, and Portsmouth, Ohio, to treat and recycle depleted uranium hexafluoride consistent with the National Environmental Policy Act.

(b) LIMITATION.—Notwithstanding the privatization of the United States Enrichment Corporation and notwithstanding any other provision of law (including the repeal of chapters 22 through 26 of the Atomic Energy Act of 1954 (42 U.S.C. 2297 et seq.) made by section 3116(a)(1) of the United States Enrichment Corporation Privatization Act (104 Stat. 1321–349), no amounts described in subsection (a) shall be withdrawn from the United States Enrichment Corporation Fund established by section 1308 of the Atomic Energy Act of 1954 (42 U.S.C. 2297b–7) or the Working Capital Account established under section 1316 of the Atomic Energy Act of 1954 (42 U.S.C. 2297b–15) [until the date that is 1 year after the date on which the President submits to Congress the budget request for fiscal year 2000.] *until the date that is 30 days after the date on which the Secretary of Energy awards a contract under subsection (c), and no such amounts shall be available for any purpose except to implement the contract.*

[(c) SENSE OF THE SENATE.—It is the sense of the Senate that Congress should authorize appropriations during fiscal year 2000 in an amount sufficient to fully fund the plan described in subsection (a).]

## (c) CONTRACTING AND CONSTRUCTION REQUIREMENTS.—

(1) IN GENERAL.—*Not later than 30 days after the date of enactment of this paragraph, subject to the availability of appropriations made to the Department of Energy under the heading, “URANIUM FACILITIES MAINTENANCE AND REMEDIATION”, the Secretary of Energy shall—*

*(A) select for award of a contract the best value proposal of the proposals received before January 15, 2002, to Request for Proposals No. DE-RP05-010R22717, “Acquisition of Facilities and Services for Depleted Uranium Hexafluoride (DUF<sub>6</sub>) Conversion Project”; and*

*(B) award the offeror under that proposal a contract, subject to the availability of appropriations, for the scope of work stated in the request for proposals, including the design, construction, and operation of—*

(i) a facility described in subsection (a) on the site of the gaseous diffusion plant at Paducah, Kentucky; and

(ii) a facility described in subsection (a) on the site of the gaseous diffusion plant at Portsmouth, Ohio.

(2) *CONTRACT TERMS.*—The contract under paragraph (1) shall—

(A) require that groundbreaking for construction occur not later than January 31, 2004, and that construction proceed expeditiously thereafter;

(B) include as an item of performance the transportation, conversion, and disposition of depleted uranium contained in cylinders located at the Oak Ridge K-25 uranium enrichment facility located in the East Tennessee Technology Park at Oak Ridge, Tennessee, consistent with environmental agreements between the State of Tennessee and the Secretary of Energy; and

(C) specify that the contractor shall not proceed to perform any part of the contract unless sufficient funds have been appropriated, in advance, specifically to pay for that part of the contract.

(3) *CERTIFICATION OF GROUNDBREAKING.*—Not later than 5 days after the date of groundbreaking for each facility, the Secretary of Energy shall submit to Congress a certification that groundbreaking has occurred.

(d) *AUTHORIZATION OF APPROPRIATIONS.*—In addition to any other funds that are available to carry out this section, there are authorized to be appropriated such sums as are necessary to carry out this section.

\* \* \* \* \*

# **OMNIBUS CONSOLIDATED AND EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT, 1999, PUBLIC LAW 105-277**

\* \* \* \* \*

## **DIVISION C—OTHER MATTERS**

### **TITLE I—OTHER MATTERS**

\* \* \* \* \*

## **TITLE II—FISHERIES**

### **Subtitle I—Fishery Endorsements**

\* \* \* \* \*

#### **SEC. 202. STANDARD FOR FISHERY ENDORSEMENTS.**

(a) \* \* \*

\* \* \* \* \*

“(5) \* \* \*

\* \* \* \* \*

“(6) A vessel greater than 165 feet in registered length, [of more than 750 gross registered tons] *of more than 750 gross registered tons (as measured under Chapter 145 of Title 46) or 1,900 gross registered tons as measured under Chapter 143 of that Title*), or that has an engine or engines capable of producing a total of more than 3,000 shaft horsepower is not eligible for a fishery endorsement under section 12108 of this title unless—

\* \* \* \* \*

#### **SEC. 212. RESTRICTION ON FEDERAL LOANS.**

Section 302(b) of the Fisheries Financing Act (46 U.S.C. 1274 note) is amended—

- (1) by inserting “(1)” before “Until October 1, 2001”; and
- (2) by inserting at the end the following new paragraph:

“(2) No loans may be provided or guaranteed by the Federal Government for the construction or rebuilding of a vessel intended for use as a fishing vessel (as defined in section 2101 of title 46, United States Code), if such vessel will be greater than 165 feet in registered length, [of more than 750 gross registered tons] *of more than 750 gross registered tons (as measured under Chapter 145 of Title 46) or 1,900 gross registered tons as measured under Chapter 143 of that Title*), or have an engine or engines capable of producing a total of more than 3,000 shaft horsepower, after such construction or rebuilding is completed. This prohibition shall not apply to vessels to be used in the menhaden fishery or in tuna purse seine fisheries outside the exclusive economic zone of the United States or the area of the South Pacific Regional Fisheries Treaty.”.

\* \* \* \* \*

### **OCEANS ACT OF 2000, PUBLIC LAW 106-256**

#### **SEC. 3. COMMISSION ON OCEAN POLICY.**

(a) \* \* \*

\* \* \* \* \*

(f) REPORT.—

(1) IN GENERAL.—Within [18] 29 months after the establishment of the Commission, the Commission shall submit to Congress and the President a final report of its findings and recommendations regarding United States ocean policy.

\* \* \* \* \*

### **DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2001, PUBLIC LAW 106-346**

\* \* \* \* \*

#### **TITLE III—GENERAL PROVISIONS**

\* \* \* \* \*

SEC. 354. For the purpose of constructing an underpass to improve access and enhance highway/rail safety and economic development along Star Landing Road *or Nail Road* in DeSoto County,

Mississippi, the State of Mississippi may use funds previously allocated to it under the transportation enhancements program, if available.

\* \* \* \* \*

**DEPARTMENT OF THE INTERIOR AND RELATED AGEN-  
CIES APPROPRIATIONS, ACT, FISCAL YEAR 2002, PUB-  
LIC LAW 107-63**

TITLE I—DEPARTMENT OF THE INTERIOR

\* \* \* \* \*

MINERALS MANAGEMENT SERVICE

ROYALTY AND OFFSHORE MINERALS MANAGEMENT

For expenses necessary for minerals leasing and environmental studies, regulation of industry operations, and collection of royalties, as authorized by law; for enforcing laws and regulations applicable to oil, gas, and other minerals leases, permits, licenses and operating contracts; and for matching grants or cooperative agreements; including the purchase of not to exceed eight passenger motor vehicles for replacement only, \$150,667,000, of which \$83,344,000, shall be available for royalty management activities; and an amount not to exceed \$102,730,000, to be credited to this appropriation and to remain available until expended, from additions to receipts resulting from increases to rates in effect on August 5, 1993, from rate increases to fee collections for Outer Continental Shelf administrative activities performed by the Minerals Management Service over and above the rates in effect on September 30, 1993, and from additional fees for Outer Continental Shelf administrative activities established after September 30, 1993: *Provided*, That to the extent \$102,730,000 in additions to receipts are not realized from the sources of receipts stated above, the amount needed to reach \$102,730,000 shall be credited to this appropriation from receipts resulting from rental rates for Outer Continental Shelf leases in effect before August 5, 1993: *Provided further*, That \$3,000,000 for computer acquisitions shall remain available until September 30, 2003: *Provided further*, That funds appropriated under this Act shall be available for the payment of interest in accordance with 30 U.S.C. 1721(b) and (d): *Provided further*, That not to exceed \$3,000 shall be available for reasonable expenses related to promoting volunteer beach and marine cleanup activities: *Provided further*, That notwithstanding any other provision of law, \$15,000 under this heading shall be available for refunds of overpayments in connection with certain Indian leases in which the Director of the Minerals Management Service (MMS) concurred with the claimed refund due, to pay amounts owed to Indian allottees or tribes, or to correct prior unrecoverable erroneous payments: *Provided further*, That MMS may under the royalty-in-kind pilot program, or under its authority to transfer oil to the Strategic Petroleum Reserve use a portion of the revenues from royalty-in-kind sales, without regard to fiscal year limitation, to pay for transportation to wholesale market centers or upstream pooling

points, [and] to process or otherwise dispose of royalty production taken in kind *and to recover MMS transportation costs, salaries and other administrative costs directly related to filling the Strategic Petroleum Reserve: Provided further*, That MMS shall analyze and document the expected return in advance of any royalty-in-kind sales to assure to the maximum extent practicable that royalty income under the pilot program is equal to or greater than royalty income recognized under a comparable royalty-in-value program.

\* \* \* \* \*

**DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE,  
THE JUDICIARY, AND RELATED AGENCIES APPRO-  
PRIATIONS ACT, 2002, PUBLIC LAW 107-77**

**TITLE I—DEPARTMENT OF JUSTICE**

\* \* \* \* \*

**TITLE II—DEPARTMENT OF COMMERCE AND RELATED  
AGENCIES**

\* \* \* \* \*

**DEPARTMENT OF COMMERCE**

\* \* \* \* \*

**SCIENCE AND TECHNOLOGY**

\* \* \* \* \*

**NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY**

\* \* \* \* \*

**INDUSTRIAL TECHNOLOGY SERVICES**

For necessary expenses of the Manufacturing Extension Partnership of the National Institute of Standards and Technology, \$106,522,000, to remain available until expended: *Provided*, That the Secretary of Commerce is authorized to enter into agreements with one or more nonprofit organizations for the purpose of carrying out collective research and development initiatives pertaining to 15 U.S.C. 278k paragraph (a), and is authorized to seek and accept contributions from public and private sources to support these efforts as necessary.

In addition, for necessary expenses of the Advanced Technology Program of the National Institute of Standards and Technology, \$184,500,000, to remain available until expended, of which [not to exceed \$60,700,000 shall be available for the award of new grants] *not less than \$60,700,000 shall be used before October 1, 2002 for the award of new grants.*

\* \* \* \* \*

**DEPARTMENT OF TRANSPORTATION AND RELATED  
AGENCIES APPROPRIATIONS ACT, 2002, PUBLIC LAW  
107-87**

\* \* \* \* \*

**TITLE III**

**GENERAL PROVISIONS**

\* \* \* \* \*

SEC. 335. None of the funds in this Act shall be used to pursue or adopt guidelines or regulations requiring airport sponsors to provide to the Federal Aviation Administration *and the Transportation Security Administration* without cost building construction, maintenance, utilities and expenses, or space in airport sponsor-owned buildings for services relating to air traffic control, air navigation, *aviation security* or weather reporting: *Provided*, That the prohibition of funds in this section does not apply to negotiations between the agency and airport sponsors to achieve agreement on “below-market” rates for these items or to grant assurances that require airport sponsors to provide land without cost to the FAA for air traffic control facilities *and the TSA for necessary security checkpoints*.

\* \* \* \* \*

**DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2002,  
PUBLIC LAW 107-96**

\* \* \* \* \*

**DISTRICT OF COLUMBIA FUNDS**

**FEDERAL FUNDS**

\* \* \* \* \*

**FEDERAL PAYMENT TO SOUTHEASTERN UNIVERSITY**

For a Federal payment to Southeastern University, \$500,000 for a public/private partnership [with the District of Columbia Public Schools at the McKinley Technology High School campus.] *to plan a two year associate degree program.*

\* \* \* \* \*

**FEDERAL PAYMENT TO THE THURGOOD MARSHALL ACADEMY  
CHARTER SCHOOL**

For a Federal payment to the Thurgood Marshall Academy Charter School, \$1,000,000 to be used to acquire and renovate an educational facility in [Anacostia] *Southeast, Washington, D.C..*

\* \* \* \* \*

**OPERATING EXPENSES**

\* \* \* \* \*

## GOVERNMENTAL DIRECTION AND SUPPORT

Governmental direction and support, \$286,138,000 (including \$229,421,000 from local funds, \$38,809,000 from Federal funds, and \$17,908,000 from other funds): *Provided*, That not to exceed \$2,500 for the Mayor, \$2,500 for the Chairman of the Council of the District of Columbia, and \$2,500 for the City Administrator shall be available from this appropriation for official purposes: *Provided further*, That any program fees collected from the issuance of debt shall be available for the payment of expenses of the debt management program of the District of Columbia: *Provided further*, That no revenues from Federal sources shall be used to support the operations or activities of the Statehood Commission and Statehood Compact Commission: *Provided further*, That the District of Columbia shall identify the sources of funding for Admission to Statehood from its own locally-generated revenues: *Provided further*, That notwithstanding any other provision of law, or Mayor's Order 86-45, issued March 18, 1986, the Office of the Chief Technology Officer's delegated small purchase authority shall be \$500,000: *Provided further*, That the District of Columbia government may not require the Office of the Chief Technology Officer to submit to any other procurement review process, or to obtain the approval of or be restricted in any manner by any official or employee of the District of Columbia government, for purchases that do not exceed \$500,000: **¶***Provided further*, That not less than \$353,000 shall be available to the Office of the Corporation Counsel to support increases in the Attorney Retention Allowance **¶***Provided further*, That not less than \$353,000 shall be available to the Office of the Corporation Counsel to support attorney compensation consistent with performance measures contained in a negotiated collective bargaining agreement: *Provided further*, That not less than \$50,000 shall be available to support a mediation services program within the Office of the Corporation Counsel: *Provided further*, That not less than \$50,000 shall be available to support a TANF Unit within the Child Support Enforcement Division of the Office of the Corporation Counsel: *Provided further*, That of all funds in the District of Columbia Antitrust Fund established pursuant to section 2 of the District of Columbia Antitrust Act of 1980 (D.C. Law 3-169; D.C. Official Code, sec. 28-4516) an amount not to exceed \$386,000, of all funds in the Antifraud Fund established pursuant to section 820 of the District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85; D.C. Official Code, sec. 2-308.20) an amount not to exceed \$10,000, and of all funds in the District of Columbia Consumer Protection Fund established pursuant to section 1402 of the District of Columbia Budget Support Act for fiscal year 2001 (D.C. Law 13-172; D.C. Official Code, sec. 28-3911) an amount not to exceed \$233,000, are hereby made available for the use of the Office of the Corporation Counsel of the District of Columbia until September 30, 2003, in accordance with the statutes that established these funds.

\* \* \* \* \*



## REPAYMENT OF LOANS AND INTEREST

For payment of principal, interest, and certain fees directly resulting from borrowing by the District of Columbia to fund District of Columbia capital projects as authorized by sections 462, 475, and 490 of the District of Columbia Home Rule Act (Public Law 93-198; D.C. Official Code, secs. 1-204.62, 1-204.75, 1-204.90), \$247,902,000 from local funds: *¶ Provided, That any funds set aside pursuant to section 148 of the District of Columbia Appropriations Act, 2000 (Public Law 106-113; 113 Stat. 1523) that are not used in the reserve funds established herein shall be used for Pay-As-You-Go Capital Funds: ¶ Provided, That any funds set aside pursuant to section 148 of the District of Columbia Appropriations Act, 2000 (Public Law 106-113; 113 Stat. 1523) that are not used in the reserve funds established herein shall be used for Pay-As-You-Go Capital Funds upon certification by the Chief Financial Officer of the District of Columbia that the funds are available and are not required to address potential deficits: Provided further, That of those funds necessary to address potential deficits, no funds shall be obligated or expended except in accordance with the following conditions:*

*(1) the amounts shall be obligated or expended in accordance with laws enacted by the Council in support of each such obligation or expenditure;*

*(2) the amounts may not be used to fund the agencies of the District of Columbia government under court-ordered receivership;*

*(3) the amounts may be obligated or expended only if the Mayor notifies the Committees on Appropriations of the House of Representatives and Senate in writing 30 days in advance of any obligation or expenditure; and*

*(4) amounts made available to address potential deficits shall remain available until expended: Provided further, That for equipment leases, the Mayor may finance \$14,300,000 of equipment cost, plus cost of issuance not to exceed 2 percent of the par amount being financed on a lease purchase basis with a maturity not to exceed 5 years: Provided further, That \$4,440,000 shall be for the Fire and Emergency Medical Services Department, \$2,010,000 shall be for the Department of Parks and Recreation, and \$7,850,000 shall be for the Department of Public Works: Provided further, That no less than \$533,000 be available for trash transfer capital debt service.*

\* \* \* \* \*

## GENERAL PROVISIONS

**¶ SEC. 119. ACCEPTANCE AND USE OF GRANTS NOT INCLUDED IN CEILING.** (a) IN GENERAL.—Notwithstanding any other provision of this Act, the Mayor, in consultation with the Chief Financial Officer may accept, obligate, and expend Federal, private, and other grants received by the District government that are not reflected in the amounts appropriated in this Act.

**¶ (b) REQUIREMENT OF CHIEF FINANCIAL OFFICER REPORT AND COUNCIL APPROVAL.**—No such Federal, private, or other grant may

be accepted, obligated, or expended pursuant to subsection (a) until—

[(1) the Chief Financial Officer of the District of Columbia submits to the Council a report setting forth detailed information regarding such grant; and

[(2) the Council within 15 calendar days after receipt of the report submitted under paragraph (1) has reviewed and approved the acceptance, obligation, and expenditure of such grant.

[(c) PROHIBITION ON SPENDING IN ANTICIPATION OF APPROVAL OR RECEIPT.—No amount may be obligated or expended from the general fund or other funds of the District government in anticipation of the approval or receipt of a grant under subsection (b)(2) of this section or in anticipation of the approval or receipt of a Federal, private, or other grant not subject to such paragraph.

[(d) QUARTERLY REPORTS.—The Chief Financial Officer of the District of Columbia shall prepare a quarterly report setting forth detailed information regarding all Federal, private, and other grants subject to this section. Each such report shall be submitted to the Council of the District of Columbia, and to the Committees on Appropriations of the House of Representatives and the Senate, not later than 15 days after the end of the quarter covered by the report.]

SEC. 119. ACCEPTANCE AND USE OF GRANTS NOT INCLUDED IN CEILING. (a) *IN GENERAL.*—*Notwithstanding any other provision of this Act, the Mayor, in consultation with the Chief Financial Officer, may accept, obligate, and expend Federal, private, and other grants received by the District government that are not reflected in the amounts appropriated in this Act.*

(b) *REQUIREMENT OF CHIEF FINANCIAL OFFICER REPORT AND COUNCIL APPROVAL.*—*No such Federal, private, or other grant may be accepted, obligated, or expended pursuant to subsection (a) until—*

*(1) the Chief Financial Officer of the District of Columbia submits to the Council a report setting forth detailed information regarding such grant; and*

*(2) the Council has reviewed and approved the acceptance, obligation, and expenditure of such grant. Within 14 calendar days of receipt of the report submitted under paragraph (1) the Council shall be deemed to have provided such approval if no written notice of disapproval is filed with the Secretary to the Council within 14 calendar days of the receipt of the report from the Chief Financial Officer, and no oral notice of disapproval is given during a meeting of the Council during such 14 calendar day period. If notice of disapproval is given during such initial 14 calendar day period, the Council may approve or disapprove the acceptance, obligation or expenditure of the grant by resolution within 30 calendar days of the initial receipt of the report from the Chief Financial Officer, or such certification shall be deemed to be approved.*

(c) *PROHIBITION ON SPENDING IN ANTICIPATION OF APPROVAL OR RECEIPT.*—*No amount may be obligated or expended from the general fund or other funds of the District government in anticipation of the approval or receipt of a grant under subsection (a) or in*

*anticipation of the approval or receipt of a Federal, private, or other grant not subject to these provisions.*

*(d) QUARTERLY REPORTS.—The Chief Financial Officer of the District of Columbia shall prepare a quarterly report setting forth detailed information regarding all Federal, private, and other grants subject to these provisions. Each such report shall be submitted to the Council of the District of Columbia, and to the Committees on Appropriations of the House of Representatives and the Senate, not later than 15 days after the end of the quarter covered by the report.*

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**FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2002, PUBLIC LAW 107-115**

\* \* \* \* \*

**TITLE V—GENERAL PROVISIONS**

\* \* \* \* \*

SEC. 576. (a) LIMITATIONS ON AMOUNT OF CONTRIBUTION.—Of the amounts made available under “International Organizations and Programs”, [not more than] \$34,000,000 for fiscal year 2002 shall be made available for the United Nations Population Fund (hereafter in this section referred to as the “UNFPA”).

(b) PROHIBITION ON USE OF FUNDS IN CHINA.—None of the funds made available under “International Organizations and Programs” may be made available for the UNFPA for a country program in the People’s Republic of China.

(c) CONDITIONS ON AVAILABILITY OF FUNDS.—Amounts made available under “International Organizations and Programs” for fiscal year 2002 for the UNFPA may not be made available to UNFPA unless—

(1) the UNFPA maintains amounts made available to the UNFPA under this section in an account separate from other accounts of the UNFPA;

(2) the UNFPA does not commingle amounts made available to the UNFPA under this section with other sums; and

(3) the UNFPA does not fund abortions.

*(d) OBLIGATION AND DISBURSEMENT.—Funds made available pursuant to subsection (a) shall be obligated and disbursed not later than July 10, 2002, unless otherwise prohibited by law.*

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**DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2002, PUBLIC LAW 107-116**

\* \* \* \* \*

## TITLE II—DEPARTMENT OF HEALTH AND HUMAN SERVICES

### HEALTH RESOURCES AND SERVICES ADMINISTRATION

#### HEALTH RESOURCES AND SERVICES

For carrying out titles II, III, IV, VII, VIII, X, XII, XIX, and XXVI of the Public Health Service Act, section 427(a) of the Federal Coal Mine Health and Safety Act, title V and sections 1128E and 1820 of the Social Security Act, the Health Care Quality Improvement Act of 1986, as amended, the Native Hawaiian Health Care Act of 1988, as amended, the Cardiac Arrest Survival Act of 2000, and the Poison Control Center Enhancement and Awareness Act, \$6,081,237,000, of which ~~[\$311,978,000]~~ \$315,333,000 shall be available for construction and renovation of health care and other facilities, and of which \$40,000,000 from general revenues, notwithstanding section 1820(j) of the Social Security Act, shall be available for carrying out the Medicare rural hospital flexibility grants program under section 1820 of such Act: *Provided*, That of the funds made available under this heading, \$250,000 shall be available until expended for facilities renovations at the Gillis W. Long Hansen's Disease Center: *Provided further*, That in addition to fees authorized by section 427(b) of the Health Care Quality Improvement Act of 1986, fees shall be collected for the full disclosure of information under the Act sufficient to recover the full costs of operating the National Practitioner Data Bank, and shall remain available until expended to carry out that Act: *Provided further*, That fees collected for the full disclosure of information under the "Health Care Fraud and Abuse Data Collection Program", authorized by section 1128E(d)(2) of the Social Security Act, shall be sufficient to recover the full costs of operating the program, and shall remain available until expended to carry out that Act: *Provided further*, That no more than \$15,000,000 is available for carrying out the provisions of Public Law 104-73: *Provided further*, That of the funds made available under this heading, \$265,085,000 shall be for the program under title X of the Public Health Service Act to provide for voluntary family planning projects: *Provided further*, That amounts provided to said projects under such title shall not be expended for abortions, that all pregnancy counseling shall be nondirective, and that such amounts shall not be expended for any activity (including the publication or distribution of literature) that in any way tends to promote public support or opposition to any legislative proposal or candidate for public office: *Provided further*, That \$639,000,000 shall be for State AIDS Drug Assistance Programs authorized by section 2616 of the Public Health Service Act: *Provided further*, That of the amount provided under this heading, \$80,000 shall be for the Wausau Health Foundation in Wausau, Wisconsin, for a survey and analysis of local health professionals' career paths to better understand entry into and exit from health professions, \$100,000 shall be for the University of San Diego Institute for the Advancement of Health Policy to assess through teaching, research and delivery of services the impact of public policy on families from vulnerable populations, \$200,000 shall be for the Luna County, New Mexico and the Columbus Volunteer Fire De-

partment to provide emergency medical services to immigrants, \$350,000 shall be for the Clinical Pharmacy Training Program at the University of Hawaii at Hilo, \$475,000 shall be for the American Federation of Negro Affairs, \$500,000 shall be for the University of Washington Center for Health Workforce Studies in Seattle, Washington, for a demonstration project to collect and analyze health workforce data, \$800,000 shall be for the University of Iowa for the training of Certified Registered Nurse Anesthetists, \$1,000,000 shall be for the Washington Health Foundation for a comprehensive demonstration project on improving nurse retention, and \$1,100,000 shall be for the Iowa Department of Public Health to create a Center for Health Care Workforce Shortage: *Provided further*, That, notwithstanding section 502(a)(1) of the Social Security Act, not to exceed \$115,236,000 is available for carrying out special projects of regional and national significance pursuant to section 501(a)(2) of such Act, of which \$50,000 is for the Center for Great Expectations, Somerville, New Jersey to provide prenatal health care, education and counseling for pregnant teens, \$565,000 is for the Milwaukee Health Department for a pilot program providing health care services to at-risk children in day care, and \$4,000,000 is for the Columbia Hospital for Women Medical Center in Washington, D.C., to support community outreach programs for women: *Provided further*, That \$10,000,000 is available for special projects of regional and national significance under section 501(a)(2) of the Social Security Act, which shall not be counted toward compliance with the allocation required in section 502(a)(1) of such Act, and which shall be used only for making competitive grants to provide abstinence education (as defined in section 510(b)(2) of such Act) to adolescents and for evaluations (including longitudinal evaluations) of activities under the grants and for Federal costs of administering the grants: *Provided further*, That grants under the immediately preceding proviso shall be made only to public and private entities which agree that, with respect to an adolescent to whom the entities provide abstinence education under such grant, the entities will not provide to that adolescent any other education regarding sexual conduct, except that, in the case of an entity expressly required by law to provide health information or services the adolescent shall not be precluded from seeking health information or services from the entity in a different setting than the setting in which the abstinence education was provided: *Provided further*, That the funds expended for such evaluations may not exceed 3.5 percent of such amount.

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### TITLE III—DEPARTMENT OF EDUCATION

\* \* \* \* \*

#### SCHOOL IMPROVEMENT PROGRAMS

For carrying out school improvement activities authorized by titles II, IV, V, VI, and parts B and C of title VII of the Elementary and Secondary Education Act of 1965; part B of title II of the Higher Education Act; the McKinney-Vento Homeless Assistance Act; and the Civil Rights Act of 1964, \$7,827,473,000, of which

\$1,717,609,000 shall become available October 1, 2001, and shall remain available through September 30, 2003, of which \$2,801,597,000 shall become available on July 1, 2002, and remain available through September 30, 2003, and of which \$1,765,000,000 shall become available on October 1, 2002, and shall remain available through September 30, 2003, for academic year 2002–2003: *Provided*, That \$75,000,000 for continuing and new grants to demonstrate effective approaches to comprehensive school reform shall be allocated and expended in the same manner as the funds provided under the Fund for the Improvement of Education for this purpose were allocated and expended in fiscal year 2001: *Provided further*, That \$142,189,000 shall be available to support the activities authorized under subpart 4 of part D of title V of the ESEA, of which up to 5 percent shall become available on October 1, 2001, for evaluation, technical assistance, school networking, peer review of applications, and program outreach activities and of which not less than 95 percent shall become available on July 1, 2002, and remain available through September 30, 2003, for grants to local educational agencies: *Provided further*, That funds made available to local educational agencies under this subpart shall be used only for activities related to establishing smaller learning communities in high schools: *Provided further*, That of the amount made available for subpart 3, part C, of title II of the ESEA, \$2,000,000 shall be used by the Center for Civic Education to implement a comprehensive program to improve public knowledge, understanding, and support of the Congress and the state legislatures: *Provided further*, That \$269,906,000 of the funds for subpart 1, part D of title V of the ESEA shall be available for the projects and in the amounts specified in the statement of the managers on the conference report accompanying this Act: *Provided further*, That of the amount made available under subpart 8, part D, title V of the ESEA, \$2,300,000 shall be available for Digital Educational Programming Grants.

\* \* \* \* \*

#### EDUCATION RESEARCH, STATISTICS, AND ASSESSMENT

For carrying out activities authorized by the Educational Research, Development, Dissemination, and Improvement Act of 1994, including part E; the National Education Statistics Act of 1994, including sections 411 and 412; section 4 of the No Child Left Behind Act of 2001; and title VI, part A of the Elementary and Secondary Education Act, \$443,870,000: *Provided*, That \$58,000,000 of the amount available for the national education research institutes shall be allocated notwithstanding section 912(m)(1)(B–F) and subparagraphs (B) and (C) of section 931(c)(2) of Public Law 103–227: *Provided further*, That \$5,000,000 shall be available to extend for one additional year the contract for the Eisenhower National Clearinghouse for Mathematics and Science Education authorized under section 2102(a)(2) of the Elementary and Secondary Education Act of 1965, prior to its amendment by the No Child Left Behind Act of 2001, Public Law 107–110.

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**DEPARTMENT OF DEFENSE AND EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR RECOVERY FROM AND RESPONSE TO TERRORIST ATTACKS ON THE UNITED STATES ACT, 2002, PUBLIC LAW 107-117**

**DIVISION A—DEPARTMENT OF DEFENSE APPROPRIATIONS, 2002**

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**TITLE IV**

**RESEARCH, DEVELOPMENT, TEST AND EVALUATION**

\* \* \* \* \*

**RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY**

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, \$11,498,506,000, to remain available for obligation until September 30, 2003: *Provided, That funds appropriated in this paragraph which are available for the V-22 may be used to meet unique requirements of the Special Operations Forces.*

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**TITLE VIII**

**GENERAL PROVISIONS—DEPARTMENT OF DEFENSE**

\* \* \* \* \*

**SEC. 8052. (a)** \* \* \*

\* \* \* \* \*

(b) The Secretary of Defense or Secretary of a military department may waive the limitations in subsection (a), on a case-by-case basis, if the Secretary determines, and certifies to the Committees on Appropriations of the House of Representatives and Senate that the granting of the waiver **will reduce the personnel requirements or the financial requirements of the department** *either (1) will reduce the personnel requirements or the financial requirements of the department, or (2) is necessary in response to an emergency, including responding to direct threats or incidents of terrorism.*

(c) This section does not apply to field operating agencies funded within the National Foreign Intelligence Program.

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**DIVISION B—TRANSFERS FROM THE EMERGENCY RESPONSE FUND PURSUANT TO PUBLIC LAW 107-38**

\* \* \* \* \*

**CHAPTER 9**

**LEGISLATIVE BRANCH**

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## SENATE

## ADMINISTRATIVE PROVISIONS

SEC. 901. (a) ACQUISITION OF BUILDINGS AND FACILITIES.—Notwithstanding any other provision of law, in order to respond to an emergency situation, the Sergeant at Arms of the Senate may acquire ~~【buildings and facilities】~~ *buildings and facilities, subject to the availability of appropriations*, for the use of the Senate, as appropriate, by lease, purchase, or such other arrangement as the Sergeant at Arms of the Senate considers appropriate (including a memorandum of understanding with the head of an executive agency, as defined in section 105 of title 5, United States Code, in the case of a building or facility under the control of such Agency). Actions taken by the Sergeant at Arms of the Senate must be approved by the Committees on Appropriations and Rules and Administration.

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## OTHER LEGISLATIVE BRANCH

## ADMINISTRATIVE PROVISIONS

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SEC. 909. (a) RECRUITMENT AND RELOCATION BONUSES.—

(1) AUTHORIZATION OF PAYMENT.—The Capitol Police Board (hereafter in this section referred to as the “Board”) may authorize the Chief of the United States Capitol Police (hereafter in this section referred to as the “Chief”) to pay a bonus to an individual who is newly appointed to a position as an officer or employee of the Capitol Police, and to pay an additional bonus to an individual who must relocate to accept a position as an officer or employee of the Capitol Police, if the Board ~~【determines that the Capitol Police would be likely, in the absence of such a bonus, to encounter difficulty in filling the position】~~, *in the sole discretion of the Board, determines that such a bonus will assist the Capitol Police in recruitment efforts*.

\* \* \* \* \*

(5) \* \* \*

(6) DETERMINATIONS NOT APPEALABLE OR REVIEWABLE.—*Any determination of the Board under this subsection shall not be appealable or reviewable in any manner.*

(b) RETENTION ALLOWANCES.—

(1) AUTHORIZATION OF PAYMENT.—The Board may authorize the Chief to pay an allowance to an officer or employee of the United States Capitol Police ~~【if—】~~ *if the Board, in the sole discretion of the Board, determines that such a bonus will assist the Capitol Police in retention efforts*.

【(A) the unusually high or unique qualifications of the officer or employee or a special need of the Capitol Police for the officer’s or employee’s services makes it essential to retain the officer or employee; and



【(B) the Chief determines that the officer or employee would be likely to leave in the absence of a retention allowance.】

(2) AMOUNT OF PAYMENT.—A retention allowance, which shall be stated as a percentage of the rate of basic pay of the officer or employee, may not exceed 25 percent of such rate of basic pay.

(3) PAYMENT NOT CONSIDERED PART OF BASIC PAY.—A retention allowance may not be considered to be part of the basic pay of an officer or employee, and 【the reduction or elimination of a retention allowance may not be appealed】 *any determination of the Board under this subsection, or the reduction or elimination of a retention allowance, shall not be appealable or reviewable in any manner.* The preceding sentence shall not be construed to extinguish or lessen any right or remedy under any of the laws made applicable to the Capitol Police pursuant to section 102 of the Congressional Accountability Act of 1995 (2 U.S.C. 1302).

(4) TIME AND MANNER OF PAYMENT.—A retention allowance under this subsection shall be paid at the same time and in the same manner as the officer's or employee's basic pay is paid.

(c) LUMP SUM INCENTIVE AND MERIT BONUS PAYMENTS.—

(1) IN GENERAL.—The Board may pay an incentive or merit bonus to an officer or employee of the United States Capitol Police who meets such criteria for receiving the bonus as the Board may establish.

(2) BONUS NOT CONSIDERED PART OF BASIC PAY.—A bonus under this subsection shall be paid as a lump sum, and may not be considered to be part of the basic pay of the officer or employee.

(d) SERVICE STEP INCREASES FOR MERITORIOUS SERVICE FOR OFFICERS.—Upon the approval of the Chief—

(1) an officer of the United States Capitol Police in a service step who has demonstrated meritorious service (in accordance with criteria established by the Chief or the Chief's designee) may be advanced in compensation to the next higher service step, effective with the first pay period which begins after the date of the Chief's approval; and

(2) an officer of the United States Capitol Police in a service step who has demonstrated extraordinary performance (in accordance with criteria established by the Chief or the Chief's designee) may be advanced in compensation to the second next higher service step, effective with the first pay period which begins after the date of the Chief's approval.

(e) ADDITIONAL COMPENSATION FOR FIELD TRAINING OFFICERS.—

(1) IN GENERAL.—Each officer of the United States Capitol Police who is assigned to duty as a field training officer shall receive, in addition to the officer's scheduled rate of compensation, an additional amount determined by the Board (but not to exceed \$2,000 per annum).

(2) MANNER OF PAYMENT.—The additional compensation authorized by this subsection shall be paid to the officer in the same manner as the officer is paid basic compensation, except

that when the officer ceases to be assigned to duty as a field training officer, the loss of such additional compensation shall not constitute an adverse action for any purpose.

(f) *TUITION ALLOWANCES.*—*The Capitol Police Board may authorize the Chief to pay tuition allowances for payment or reimbursement of education expenses in the same manner and to the same extent as retention allowances under subsection (b).*

[(f)] (g) REGULATIONS.—

(1) IN GENERAL.—The payment of bonuses, allowances, step increases, compensation, and other payments pursuant to this section shall be carried out in accordance with regulations prescribed by the Board.

(2) APPROVAL.—The regulations prescribed pursuant to this subsection shall be subject to the approval of the Committee on Rules and Administration of the Senate, the Committee on House Administration of the House of Representatives, and the Committees on Appropriations of the Senate and the House of Representatives.

[(g)] (h) EFFECTIVE DATE.—This section shall apply with respect to fiscal year 2002 and each succeeding fiscal year.

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#### DIVISION B—TRANSFERS FROM THE EMERGENCY RESPONSE FUND PURSUANT TO PUBLIC LAW 107–38

\* \* \* \* \*

#### CHAPTER 11

#### DEPARTMENT OF TRANSPORTATION

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#### GENERAL PROVISIONS, THIS CHAPTER

\* \* \* \* \*

SEC. 1106. The Department of Transportation and Related Agencies Appropriations Act, 2002 is amended in section 330 by striking “\$144,000,000” and inserting “\$148,300,000” and in section 349 by striking “\$5,000,000” and inserting “\$9,300,000” and by striking “\$120,323,000” and inserting “**[\$116,023,000]** \$128,123,000”.

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#### FARM SECURITY AND RURAL INVESTMENT ACT OF 2002

\* \* \* \* \*

#### SEC. 10816. COUNTRY OF ORIGIN LABELING.

The Agricultural Marketing Act of 1946 (7 U.S.C. 1621 et seq.) is amended by adding at the end the following:

#### “Subtitle D—Country of Origin Labeling

\* \* \* \* \*

**“SEC. 282. NOTICE OF COUNTRY OF ORIGIN.**

“(a) \* \* \*

““(1) \* \* \*

““(2) \* \* \*

““(A) \* \* \*

\* \* \* \* \*

【“(D) in the case of wild fish, is—

【“(i) harvested in waters of the United States, a territory of the United States, or a State; and

【“(ii) processed in the United States, a territory of the United States, or a State, including the waters thereof; and】

*(D) in the case of wild fish, is—**(i) harvested in the United States, a territory of the United States, or a State, or by a vessel that is documented under chapter 121 of title 46, United States Code, or registered in the United States; and**(ii) processed in the United States, a territory of the United States, or a State, including the waters thereof, or aboard a vessel that is documented under chapter 121 of title 46, United States Code, or registered in the United States; and*

\* \* \* \* \*

## BUDGETARY IMPACT

Section 308(a)(1)(A) of the Congressional Budget and Impoundment Control Act of 1974 (Public Law 93–344), as amended, requires that the report accompanying a bill providing new budget authority contain a statement detailing how that authority compares with the reports submitted under section 302 of the act for the most recently agreed to concurrent resolution on the budget for the fiscal year. All funds provided in this bill are either offset or are within the remaining limits of the Committee’s allocations.

### FIVE-YEAR PROJECTION OF OUTLAYS

In compliance with section 308(a)(1)(C) of the Congressional Budget Act of 1974 (Public Law 93–344), as amended, the following table contains 5-year projections associated with the budget authority provided in the accompanying bill:

[In millions]	
Budget authority: Fiscal year 2002 .....	\$32,100
Outlays:	
Fiscal year 2002 .....	9,530
Fiscal year 2003 .....	10,656
Fiscal year 2004 .....	5,087
Fiscal year 2005 .....	2,795
Fiscal year 2006 and future years .....	3,131

Note: The above table includes both mandatory and discretionary appropriations.

### ASSISTANCE TO STATE AND LOCAL GOVERNMENTS

In accordance with section 308(a)(1)(D) of the Congressional Budget Act of 1974 (Public Law 93–344), as amended, the financial assistance to State and local governments is as follows:

[In millions]	
New budget authority .....	\$6,096
Fiscal year 2002 outlays .....	304

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL

[In thousands of dollars]

Doc. No.		Supplemental estimate	Committee recommendation	Committee recommendation compared with supplemental estimate (+ or -)
	CHAPTER 1			
	DEPARTMENT OF AGRICULTURE			
—	Office of the Secretary (contingent emergency) .....	.....	18,000	+ 18,000
—	Agricultural Research Service:			
—	Salaries and expenses (contingent emergency) .....	.....	16,000	+ 16,000
—	Buildings and facilities .....	.....	50,000	+ 50,000
—	Cooperative State Research, Education and Extension: Extension activities (contingent emergency) .....	.....	16,000	+ 16,000
—	Animal and Plant Health Inspection Service: Salaries and expenses (contingent emergency) .....	.....	60,000	+ 60,000
—	Food Safety Inspection Service: Food Safety Inspection Service(contingent emergency) .....	.....	15,000	+ 15,000
	Natural Resources Conservation Service			
107-195	Watershed Rehabilitation Program (rescission) .....	— 9,000	.....	+ 9,000
—	Watershed and Flood Prevention Operations .....	.....	73,000	+ 73,000
—	(Contingent emergency) .....	.....	27,000	+ 27,000
—	Rural Development: Rural community advancement program (contingent emergency) .....	.....	25,000	+ 25,000
	Rural Utilities Services			
—	Local Television Loan Guarantee program account .....	.....	20,000	+ 20,000
	(rescission) .....	.....	— 20,000	— 20,000
	Food and Nutrition Service			
107-195	Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) .....	75,000	75,000	.....
—	Food Stamp employment and training (rescission) .....	.....	— 33,000	— 33,000
	General Provision			
—	(Contingent emergency) .....	.....	10,000	+ 10,000

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL—Continued  
[In thousands of dollars]

Doc. No.		Supplemental estimate	Committee recommendation	Committee recommendation compared with supplemental estimate (+ or -)
	Total, chapter 1 .....	66,000	352,000	+286,000
	Appropriations .....	(75,000)	(218,000)	(+ 143,000)
	Contingent emergency appropriations .....	.....	(187,000)	(+ 187,000)
	Rescissions .....	(- 9,000)	(- 53,000)	(- 44,000)
	CHAPTER 2 .....			
	DEPARTMENT OF JUSTICE .....			
	General Administration .....			
—	Salaries and expenses .....		2,000	+ 2,000
107-195	(Emergency) .....	5,750	.....	- 5,750
—	(Contingent emergency) .....	.....	184,550	+ 184,550
	Legal Activities .....			
—	United States Attorneys (contingent emergency) .....		5,200	+ 5,200
—	(Rescission) .....		- 7,000	- 7,000
—	United State Marshals Service: Salaries and expenses (rescission) .....		- 2,100	- 2,100
	Federal Bureau of Investigation .....			
107-195	Salaries and expenses (emergency) .....	10,000	.....	- 10,000
—	(Contingent emergency) .....	.....	75,500	+ 75,500
	Drug Enforcement Administration .....			
—	Violent Crime Reduction Trust Fund (rescission) .....		- 13,000	- 13,000
	Immigration and Naturalization Service .....			
107-195	Salaries and expenses (emergency) .....	35,000	.....	- 35,000

—	(Contingent emergency) .....	.....	35,000	+ 35,000
—	Construction (contingent emergency) .....	.....	84,000	+ 84,000
	Federal Prison System .....			
—	Buildings and facilities (rescission) .....	.....	— 30,000	— 30,000
	Office of Justice Programs .....			
—	Justice assistance .....	.....	450,000	+ 450,000
—	(Rescission) .....	.....	— 4,000	— 4,000
—	COPS Interoperability (contingent emergency) .....	.....	85,000	+ 85,000
	DEPARTMENT OF COMMERCE AND RELATED AGENCIES .....			
	Trade and Infrastructure Development Related Agencies .....			
	Office of the United States Trade Representative .....			
107-195	European Communities Music Licensing Dispute .....	3,300	.....	— 3,300
	DEPARTMENT OF COMMERCE .....			
	International Trade Administration .....			
—	Operations and administration (contingent emergency) .....	.....	1,725	+ 1,725
	Export Administration .....			
107-195	Operations and Administration (emergency) .....	8,700	.....	— 8,700
—	(Contingent emergency) .....	.....	8,700	+ 8,700
	Bureau of the Census .....			
—	Periodic Censuses and Programs (rescission) .....	.....	— 20,900	— 20,900
	National Institute of Standards and Technology .....			
107-195	Scientific and Technical Research and Services (emergency) .....	4,000	.....	— 4,000
—	(Contingent emergency) .....	.....	84,600	+ 84,600
	National Oceanic and Atmospheric Administration .....			
—	Operations, research and facilities .....	.....	26,400	+ 26,400
—	(Contingent emergency) .....	.....	2,800	+ 2,800
—	Procurement, acquisition and construction (contingent emergency) .....	.....	7,200	+ 7,200

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL—Continued  
[In thousands of dollars]

Doc. No.		Supplemental estimate	Committee recommendation	Committee recommendation compared with supplemental estimate (+ or -)
—	(Rescission) .....	.....	—8,100	—8,100
107-195	Fisheries Finance Program Account (limitation on direct loans) .....	(24,000)	(24,000)	.....
107-195	Negative subsidy .....	—3,000	—3,000	.....
	Departmental Management			
107-195	Salaries and expenses (emergency) .....	400	.....	—400
—	(Contingent emergency) .....	.....	400	+400
	THE JUDICIARY			
	Supreme Court of the United States			
107-195	Care of the Buildings and Grounds (emergency) .....	10,000	.....	—10,000
—	(Contingent emergency) .....	.....	10,000	+10,000
	United States Courts of Appeals for the Federal Circuit			
107-195	Salaries and expenses (emergency) .....	857	.....	—857
	Courts of Appeals, District Courts, and Other Judicial Services			
107-195	Salaries and expenses (emergency) .....	3,143	.....	—3,143
—	(Contingent emergency) .....	.....	9,684	+9,684
	DEPARTMENT OF STATE			
	Administration of Foreign Affairs			
107-195	Capital Investment Fund (emergency) .....	2,500	.....	—2,500
107-195	Diplomatic and Consular Programs (emergency) .....	51,050	.....	—51,050
—	(Contingent emergency) .....	.....	38,300	+38,300
107-195	Educational and Cultural Exchange Programs (emergency) .....	10,000	.....	—10,000
—	(Contingent emergency) .....	.....	9,000	+9,000



107-195	Embassy Security, Construction, and Maintenance (emergency) .....	200,516	.....	-200,516
—	(Contingent emergency) .....	.....	210,516	+210,516
107-195	Emergencies in the Diplomatic and Consular Service (emergency) .....	8,000	.....	-8,000
	International Organizations and Conferences			
107-195	Contributions to International Organizations (emergency) .....	7,000	.....	-7,000
—	(Contingent emergency) .....	.....	7,000	+7,000
107-195	Contributions to International Peacekeeping Activities (emergency) .....	43,000	.....	-43,000
—	(Rescission) .....	.....	-35,000	-35,000
	RELATED AGENCIES			
	Broadcasting Board of Governors			
107-195	International Broadcasting Operations (emergency) .....	7,400	.....	-7,400
—	(Contingent emergency) .....	.....	7,400	+7,400
	Securities and Exchange Commission			
107-195	Salaries and expenses .....	20,000	20,000	.....
—	(Contingent emergency) .....	.....	9,300	+9,300
	GENERAL PROVISIONS			
—	Section 208 .....	.....	11,000	+11,000
—	Section 209 .....	.....	5,000	+5,000
	Total, chapter 2 .....	427,616	1,267,175	+839,559
	Appropriations .....	(20,300)	(511,400)	(+491,100)
	Emergency appropriations .....	(407,316)	.....	(-407,316)
	Contingent emergency appropriations .....	.....	(875,875)	(+875,875)
	Rescissions .....	.....	(-120,100)	(-120,100)
	CHAPTER 3			
	DEPARTMENT OF DEFENSE—MILITARY			
	Military Personnel			
107-195	Military Personnel, Air Force (emergency) .....	206,000	206,000	.....

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL—Continued  
[In thousands of dollars]

Doc. No.		Supplemental estimate	Committee recommendation	Committee recommendation compared with supplemental estimate (+ or -)
	Operation and Maintenance			
107-195	Operation and Maintenance, Army (emergency) .....	107,000	107,000	.....
107-195	Operation and Maintenance, Navy (emergency) .....	36,500	36,500	.....
107-195	Operation and Maintenance, Air Force (emergency) .....	41,000	41,000	.....
107-195	Operation and Maintenance, Defense-Wide (emergency) .....	739,000	739,000	.....
107-195	Defense Emergency Response Fund (emergency) .....	11,300,000	11,300,000	.....
	Procurement			
107-195	Other Procurement, Army (emergency) .....	79,200	79,200	.....
107-195	Aircraft Procurement, Navy (emergency) .....	22,800	22,800	.....
107-195	Procurement of Ammunition, Navy and Marine Corps (emergency) .....	262,000	262,000	.....
107-195	Other Procurement, Navy (emergency) .....	2,500	2,500	.....
107-195	Procurement, Marine Corps (emergency) .....	3,500	3,500	.....
107-195	Aircraft Procurement, Air Force (emergency) .....	93,000	93,000	.....
107-195	Procurement of Ammunition, Air Force (emergency) .....	115,000	115,000	.....
107-195	Other Procurement, Air Force (emergency) .....	752,300	752,300	.....
107-195	Procurement, Defense-Wide (emergency) .....	99,500	99,500	.....
	Research, Development, Test and Evaluation			
107-195	RDT&E, Army (emergency) .....	8,200	8,200	.....
107-195	RDT&E, Navy (emergency) .....	19,000	19,000	.....
107-195	RDT&E, Air Force (emergency) .....	60,800	60,800	.....
107-195	RDT&E, Defense-Wide (emergency) .....	74,700	74,700	.....
107-195	General Transfer Authority (sec. XXX) .....	(1,000,000)	.....	(- 1,000,000)
	Total, chapter 3 .....	14,022,000	14,022,000	.....

	Emergency appropriations	(14,022,000)	(14,022,000)	
	CHAPTER 4			
	DISTRICT OF COLUMBIA			
—	Federal payment to the Childrens National Medical Center (contingent emergency)		13,770	+ 13,770
—	Federal payment to the District of Columbia (contingent emergency)		24,730	+ 24,730
—	Federal payment to the Washington Metropolitan Area Transit Authority (contingent emergency)		25,000	+ 25,000
—	Federal Payment to the Washington Metropolitan Area Council of Governments (contingent emergency)		1,750	+ 1,750
—	Federal Payment to the Water and Sewer Authority of the District of Columbia (contingent emergency)		3,000	+ 3,000
	Total, chapter 4		68,250	+ 68,250
	Contingent emergency appropriations		(68,250)	(+ 68,250)
	CHAPTER 5			
	DEPARTMENT OF THE ARMY			
	Corps of Engineers—Civil			
—	Flood control, Mississippi River and tributaries (By transfer emergency)		(6,500)	(+ 6,500)
—	Operation and maintenance, general		10,000	+ 10,000
	DEPARTMENT OF THE INTERIOR			
	Bureau of Reclamation			
—	Water and related resources		3,000	+ 3,000
	DEPARTMENT OF ENERGY			
	National Nuclear Security Administration			
107–195	Weapons Activities (emergency)	19,400		— 19,400
—	(Contingent emergency)		181,650	+ 181,650
—	Defense Nuclear Nonproliferation (contingent emergency)		100,000	+ 100,000
—	Office of the Administrator (contingent emergency)		1,750	+ 1,750
	Environmental and Other Defense Activities			
—	Defense facilities closure projects (contingent emergency)		40,000	+ 40,000
107–195	Other Defense Activities (emergency)	7,000		— 7,000

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL—Continued  
[In thousands of dollars]

Doc. No.		Supplemental estimate	Committee recommendation	Committee recommendation compared with supplemental estimate (+ or -)
—	(Contingent emergency) .....	.....	7,000	+ 7,000
	GENERAL PROVISIONS			
—	DEPARTMENT OF ENERGY			
	Department-wide non-defense (rescission) .....	.....	- 30,000	- 30,000
	Total, chapter 5 .....	26,400	313,400	+ 287,000
	Appropriations .....	(26,400)	(13,000)	(+ 13,000)
	Emergency appropriations .....	.....	.....	(- 26,400)
	Contingent emergency appropriations .....	.....	(330,400)	(+ 330,400)
	Rescissions .....	.....	(- 30,000)	(- 30,000)
	(By transfer emergency) .....	.....	(6,500)	(+ 6,500)
	CHAPTER 6			
	INTERNATIONAL ASSISTANCE PROGRAMS			
	United States Agency for International Development			
—	Child Survival and Health programs fund .....	.....	100,000	+ 100,000
107-195	International Disaster Assistance (emergency) .....	40,000	.....	- 40,000
—	(Contingent emergency) .....	.....	150,000	+ 150,000
107-195	Operating Expenses of the Agency for International Development (emergency) .....	7,000	.....	- 7,000
—	(Contingent emergency) .....	.....	5,000	+ 5,000
	Other Bilateral Economic Assistance			
107-195	Economic Support Fund (emergency) .....	525,000	.....	- 525,000
—	(Contingent emergency) .....	.....	700,000	+ 700,000

107-195	Assistance for the Independent States of the Former Soviet Union (emergency) .....	110,000	.....	- 110,000
—	(Contingent emergency) .....	.....	110,000	+ 110,000
107-195	International Narcotics Control and Law Enforcement (emergency) .....	114,000	.....	- 114,000
—	(Contingent emergency) .....	.....	104,000	+ 104,000
107-195	Migration & refugee assistance .....	83,000	.....	+ 50,000
—	Nonproliferation, Anti-Terrorism, Demining, and Related Programs (emergency) .....	.....	50,000	- 83,000
107-195	(Contingent emergency) .....	372,500	.....	+ 93,000
—	Foreign Military Financing Program (emergency) .....	.....	93,000	- 372,500
107-195	(Contingent emergency) .....	28,000	.....	+ 347,500
—	Peacekeeping Operations (emergency) .....	.....	347,500	- 28,000
—	(Contingent emergency) .....	.....	20,000	+ 20,000
	Multilateral Economic Assistance .....			
107-195	International Financial Institutions (rescission) .....	- 157,000	- 159,000	- 2,000
	GENERAL PROVISIONS .....			
—	Rescission (sec. 604) .....	.....	- 75,000	- 75,000
	Total, chapter 6 .....	1,122,500	1,445,500	+ 323,000
	Appropriations .....	.....	(150,000)	(+ 150,000)
	Emergency appropriations .....	(1,279,500)	.....	(- 1,279,500)
	Contingent emergency appropriations .....	.....	(1,529,500)	(+ 1,529,500)
	Rescissions .....	(- 157,000)	(- 234,000)	(- 77,000)
	CHAPTER 7 .....			
	DEPARTMENT OF THE INTERIOR .....			
	United States Fish and Wildlife Service .....			
—	Resource management (contingent emergency) .....	.....	412	+ 412
—	Construction (contingent emergency) .....	.....	3,125	+ 3,125
	National Park Service .....			
—	Construction (contingent emergency) .....	.....	17,651	+ 17,651
	United States Geological Survey .....			
—	Surveys, investigations, and research (contingent emergency) .....	.....	26,776	+ 26,776

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL—Continued  
[In thousands of dollars]

Doc. No.		Supplemental estimate	Committee recommendation	Committee recommendation compared with supplemental estimate (+ or -)
107-195	Bureau of Indian Affairs			
	Operation of Indian programs (rescission) .....	- 10,000	- 10,000	.....
—	Departmental Offices			
	Departmental Management (contingent emergency) .....	.....	7,030	+ 7,030
	Related Agencies			
	DEPARTMENT OF AGRICULTURE			
	Forest Service			
—	Capital improvement and maintenance (contingent emergency) .....	.....	3,500	+ 3,500
	Other Related Agencies			
	Smithsonian Institution			
—	Construction (contingent emergency) .....	.....	2,000	+ 2,000
	Total, chapter 7 .....	- 10,000	50,494	+ 60,494
	Contingent emergency appropriations .....	.....	(60,494)	(+ 60,494)
	Rescissions .....	(- 10,000)	(- 10,000)	.....
	CHAPTER 8			
	DEPARTMENT OF LABOR			
	Employment and Training Administration			
107-195	Training & Employment Services (contingent emergency) .....	750,000	400,000	- 350,000

107-195	DEPARTMENT OF HEALTH AND HUMAN SERVICES Health Resources and Services Administration	-20,000	.....	+20,000
—	Centers for Disease Control and Prevention	.....	315,000	+315,000
—	Disease Control, Research and Training (contingent emergency)	.....	72,000	+72,000
107-195	National Institutes of Health	-30,000	-30,000	.....
—	Buildings and facilities (contingent appropriations) (Rescission)	.....	.....	.....
—	Office of the Secretary	.....	90,000	+90,000
107-159	Public Health and Social Services Emergency fund (contingent emergency)	.....	.....	.....
—	DEPARTMENT OF EDUCATION	1,276,000	1,000,000	-1,276,000 +1,000,000
—	Student financial assistance (Contingent emergency)	.....	.....	.....
107-159	General Provisions	-1,276,000	.....	+1,276,000 -45,000
—	Labor-HHS Public Law 107-116 bill-wide (rescission)	.....	.....	.....
—	Administrative costs (rescission)	.....	.....	.....
	Total, chapter 8	700,000	1,802,000	+1,102,000
	Contingent emergency appropriations	(750,000)	(1,877,000)	(+1,127,000)
	Rescissions	(-1,326,000)	(-75,000)	(+1,251,000)
	CHAPTER 9			
	LEGISLATIVE BRANCH			
	Joint Items			
	Capitol Police Board			
	Capitol Police			
107-	General expenses (contingent emergency)	7,000	3,600	-3,400

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL—Continued  
[In thousands of dollars]

Doc. No.		Supplemental estimate	Committee recommendation	Committee recommendation compared with supplemental estimate (+ or -)
107-195 —	Library of Congress Copyright Office: Salaries and expenses (emergency) .....	7,500	.....	-7,500
	(Contingent emergency) .....		7,500	+7,500
107- 107-	GOVERNMENT PRINTING OFFICE Congressional printing and binding .....	5,875	.....	-5,875
	Government Printing Office revolving fund .....	2,000	.....	-2,000
	Total, chapter 9 .....	22,375	11,100	-11,275
	Appropriations .....	(7,875)	.....	(-7,875)
	Contingent emergency appropriations .....	(7,000)	(11,100)	(+4,100)
	Emergency appropriations .....	(7,500)	.....	(-7,500)
	CHAPTER 10			
	DEPARTMENT OF TRANSPORTATION			
	Office of the Secretary			
107-195	Transportation Administrative Service Center (obligation limitation) .....	(12,100)	(12,100)	.....
	Transportation Security Administration			
107-195	Salaries and expenses (emergency) .....	2,455,000	.....	-2,455,000
107-195	(Contingent emergency) .....	1,945,000	4,702,525	+2,757,525
	Coast Guard			
107-195	Operating Expenses (emergency) .....	189,000	.....	-189,000
—	(Contingent emergency) .....		318,400	+318,400
107-195	Acquisition, Construction, & Improvements (emergency) .....	66,000	.....	-66,000



—	(Contingent emergency) .....	.....	347,700	+ 347,700
	Federal Aviation Administration			
—	Operations (contingent emergency) .....	.....	100,000	+ 100,000
107-195	(Transfer authority) .....	(100,000)	.....	(- 100,000)
—	Facilities and equipment (Airport and Airway trust fund) (contingent emergency) .....	.....	15,000	+ 15,000
—	Grants-in-aid for airports (Airport and Airway trust fund) (contingent emergency) .....	.....	100,000	+ 100,000
	Federal-Aid Highways			
107-195	Emergency Relief Program (Highway trust fund) (emergency) .....	167,000	.....	- 167,000
—	(Contingent emergency) .....	.....	167,000	+ 167,000
—	Federal-aid Highways (rescission of contract authority) .....	.....	- 200,000	- 200,000
	Federal Motor Carrier Safety Administration			
107-195	Border Enforcement Program (emergency) .....	19,300	.....	.....
	Federal Railroad Administration			
—	Capital grants to the National Railroad Passenger Corporation .....	.....	55,000	+ 55,000
	Federal Transit Administration			
107-195	Capital Investment Grants (emergency) .....	1,800,000	.....	- 1,800,000
—	(Contingent emergency) .....	.....	1,800,000	+ 1,800,000
	Research and Special Projects Administration			
107-195	Research and Special Programs (emergency) .....	3,500	.....	- 3,500
—	(Contingent emergency) .....	.....	3,500	+ 3,500
	General Provisions			
—	Airline loan program limitation (sec. 1103) (emergency (offset) .....	.....	- 393,000	- 393,000
	Total, chapter 10 .....	6,644,800	7,035,425	+ 390,625
	Emergency appropriations .....	(4,699,800)	(19,300)	(- 4,680,500)
	Contingent emergency appropriations .....	(1,945,000)	(7,554,125)	(+ 5,609,125)
	(Emergency offset) .....	.....	- 393,000	- 393,000
	(Transfer authority) .....	(100,000)	.....	(- 100,000)
	(Obligation limitation) .....	(12,100)	(12,100)	.....

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL—Continued  
[In thousands of dollars]

Doc. No.		Supplemental estimate	Committee recommendation	Committee recommendation compared with supplemental estimate (+ or -)
	(Rescission of contract authority) .....	.....	— 200,000	— 200,000
	CHAPTER 11			
	DEPARTMENT OF THE TREASURY			
—	Financial Management Service: Salaries and expenses (rescission) .....	.....	— 14,000	— 14,000
—	United States Customs Service: Salaries and expenses (contingent emergency) .....	.....	59,000	+ 59,000
—	Internal Revenue Service: Information Systems (rescission) .....	.....	— 10,000	— 10,000
—	United States Secret Service: Salaries and expenses (contingent emergency) .....	.....	17,200	+ 17,200
	POSTAL SERVICE			
107-195	Payment to the Postal Service Fund (emergency) .....	87,000	.....	— 87,000
—	(Contingent emergency) .....	.....	87,000	+ 87,000
	EXECUTIVE OFFICE OF THE PRESIDENT			
	Office of Administration			
107-195	Salaries and expenses (emergency) .....	5,000	.....	— 5,000
—	(Contingent emergency) .....	.....	5,000	+ 5,000
	INDEPENDENT AGENCIES			
	GENERAL SERVICES ADMINISTRATION			
	Real Property Activities			
107-195	Federal Buildings Fund (emergency) .....	51,800	.....	— 51,800
—	(Contingent emergency) .....	.....	51,800	+ 51,800

107-195	General Activities	Policy and Operations (emergency) .....	2,500	.....	.....	-2,500
—		(Contingent emergency) .....			2,500	+2,500
		Total, chapter 11 .....	146,300	198,500		+52,200
		Emergency appropriations .....	(146,300)	.....	.....	(-146,300)
		Contingent emergency appropriations .....	.....	(222,500)	.....	(+222,500)
		Rescissions .....	.....	(-24,000)	.....	(-24,000)
	CHAPTER 12					
	DEPARTMENT OF VETERANS AFFAIRS					
	Veterans Health Administration					
107-		Compensation and pensions .....	1,100,000	1,100,000	.....	.....
107-195		Medical Care .....	142,000	142,000	.....	.....
—		(Contingent emergency) .....	.....	275,000	.....	+275,000
107-195		Medical and Prosthetic Research (rescission) .....	-5,000	.....	.....	+5,000
	DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT					
	Public and Indian Housing					
—		Housing Certificate Fund: Rescission of unobligated balances: Section 8 recaptures (rescission) .....	.....	-300,000	.....	-300,000
	Community Planning and Development					
107-195		Community Development Block Grants (emergency) .....	750,000	.....	.....	-750,000
—		(Contingent emergency) .....	.....	750,000	.....	+750,000
107-195		Rural Housing and Economic Development (rescission) .....	-20,000	.....	.....	+20,000
—		HOME investment partnership program (rescission) .....	.....	-50,000	.....	-50,000
	INDEPENDENT AGENCIES					
	Environmental Protection Agency					
—		Science and technology (contingent emergency) .....	.....	100,000	.....	+100,000
107-195		Hazardous Substance Superfund (emergency) .....	12,500	.....	.....	-12,500
—		(Contingent emergency) .....	.....	12,500	.....	+12,500

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL—Continued

[In thousands of dollars]

Doc. No.		Supplemental estimate	Committee recommendation	Committee recommendation compared with supplemental estimate (+ or -)
	Federal Emergency Management Agency			
107-195	Disaster Relief (emergency) .....	2,750,000	.....	-2,750,000
—	(Contingent emergency) .....	.....	2,660,000	+2,660,000
107-195	Emergency Management Planning & Assistance (emergency) .....	326,728	.....	-326,728
—	(Contingent emergency) .....	.....	745,000	+745,000
—	Cerro Grande Fire Claims (Contingent emergency) .....	.....	80,000	+80,000
	National Science Foundation			
107-195	Education and Human Resources (emergency) .....	19,300	.....	-19,300
—	(Contingent emergency) .....	.....	19,300	+19,300
	Total, chapter 13 .....			+458,272
	Appropriations .....	5,075,528	5,533,800	.....
	Emergency appropriations .....	(1,242,000)	(1,242,000)	(-3,858,528)
	Contingent emergency appropriations .....	(3,858,528)	.....	(+4,641,800)
	Rescissions .....	(-25,000)	(4,641,800)	(-325,000)
	Grand total (gross) .....	29,770,519	33,588,744	+3,818,225
	Grand total (net) .....	28,243,519	32,099,644	+3,856,125
	Appropriations .....	(2,621,175)	(2,189,400)	(-431,775)
	Emergency appropriations .....	(24,447,344)	(14,041,300)	(-10,406,044)
	Contingent emergency appropriations .....	(2,702,000)	(17,358,044)	(+14,656,044)
	Rescissions .....	(-1,527,000)	(-896,100)	(+630,900)
	(Rescission of contract authority) .....	.....	-200,000	-200,000
	(Emergency offset) .....	.....	-393,000	-393,000
	(By transfer emergency) .....	.....	(6,500)	(+6,500)

(Other) .....	(1,136,100)	(36,100)	(- 1,100,000)
CONGRESSIONAL BUDGET RECAP			
Total mandatory and discretionary .....	28,243,519	32,099,644	+ 3,856,125
Mandatory .....	1,100,000	1,100,000	.....
Discretionary .....	27,143,519	30,999,644	+ 3,856,125

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